

**EIGHTY-NINTH GENERAL ASSEMBLY  
2022 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

**May 25, 2022**

**Clip Sheet Summary**

Displays all amendments, fiscal notes, and conference committee reports for previous day.

<b>Bill</b>	<b>Amendment</b>	<b>Action</b>	<b>Sponsor</b>
<a href="#"><u>SF 2384</u></a> .....	<a href="#"><u>S-5179</u></a> .....	Adopted	JACK WHITVER
<a href="#"><u>SF 2384</u></a> .....	<a href="#"><u>S-5180</u></a> .....	Withdrawn	ZACH NUNN
<a href="#"><u>SF 2384</u></a> .....	<a href="#"><u>S-5181</u></a> .....	Lost	JOE BOLKCOM
<a href="#"><u>HF 771</u></a> .....	<a href="#"><u>S-5176</u></a> .....	Adopted	KEN ROZENBOOM
<a href="#"><u>HF 2130</u></a> .....	<a href="#"><u>S-5178</u></a> .....	Adopted	CARRIE KOELKER, et al
<a href="#"><u>HF 2384</u></a> .....	<a href="#"><u>S-5182</u></a> .....	Adopted	MIKE KLIMESH
<a href="#"><u>HF 2431</u></a> .....	<a href="#"><u>S-5174</u></a> .....	Withdrawn	TONY BISIGNANO
<a href="#"><u>HF 2468</u></a> .....	<a href="#"><u>S-5173</u></a> .....	Not Germane	JACKIE SMITH
<a href="#"><u>HF 2558</u></a> .....	<a href="#"><u>S-5177</u></a> .....	Concurred	RECEIVED FROM THE HOUSE
<a href="#"><u>HF 2573</u></a> .....	<a href="#"><u>S-5175</u></a> .....	Adopted	JULIAN GARRETT

SENATE FILE 2384

S-5179

1 Amend Senate File 2384 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 STANDING APPROPRIATIONS AND RELATED MATTERS

6 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
7 2022-2023. Notwithstanding the standing appropriation in the  
8 following designated section for the fiscal year beginning July  
9 1, 2022, and ending June 30, 2023, the amount appropriated from  
10 the general fund of the state pursuant to that section for the  
11 following designated purpose shall not exceed the following  
12 amount:

13 For payment of claims for nonpublic school pupil  
14 transportation under section 285.2:

15 ..... \$ 8,997,091

16 If total approved claims for reimbursement for nonpublic  
17 school pupil transportation exceed the amount appropriated in  
18 accordance with this section, the department of education shall  
19 prorate the amount of each approved claim.

20 Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2022-2023. In  
21 lieu of the appropriation provided in section 257.20,  
22 subsection 2, the appropriation for the fiscal year  
23 beginning July 1, 2022, and ending June 30, 2023, for paying  
24 instructional support state aid under section 257.20 for the  
25 fiscal year is zero.

26 Sec. 3. SPECIAL FUNDS — SALARY ADJUSTMENTS —  
27 UNAPPROPRIATED MONEYS — FY 2022-2023. For the fiscal year  
28 beginning July 1, 2022, and ending June 30, 2023, salary  
29 adjustments otherwise provided may be funded as determined  
30 by the department of management, subject to any applicable  
31 constitutional limitation, using unappropriated moneys  
32 remaining in the department of commerce revolving fund, the  
33 gaming enforcement revolving fund, the gaming regulatory  
34 revolving fund, the primary road fund, the road use tax  
35 fund, the fish and game protection fund, and the Iowa public

1 employees' retirement fund, and in other departmental  
2 revolving, trust, or special funds for which the general  
3 assembly has not made an operating budget appropriation.

4 Sec. 4. Section 257.35, Code 2022, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 16A. a. Notwithstanding subsection 1, and  
7 in addition to the reductions applicable pursuant to subsection  
8 2 and paragraph "b" of this subsection, the state aid for area  
9 education agencies and the portion of the combined district  
10 cost calculated for these agencies related to expenditures  
11 other than expenditures for professional development for the  
12 fiscal year beginning July 1, 2022, and ending June 30, 2023,  
13 shall be reduced by the department of management by fifteen  
14 million dollars. The reduction for each area education agency  
15 shall be prorated based on the reduction that the agency  
16 received in the fiscal year beginning July 1, 2003.

17 b. Notwithstanding subsection 1, and in addition to  
18 the reductions applicable pursuant to subsection 2 and  
19 paragraph "a" of this subsection, the state aid for area  
20 education agencies and the portion of the combined district  
21 cost calculated for these agencies related to professional  
22 development expenditures for the fiscal year beginning July  
23 1, 2022, and ending June 30, 2023, shall be reduced by the  
24 department of management by an amount equal to the sum of the  
25 area education agency professional development supplement  
26 district cost for all area education agencies determined under  
27 section 257.37A, subsection 2, for the budget year beginning  
28 July 1, 2022. The reduction for each area education agency  
29 shall be equal to the area education agency's professional  
30 development district cost determined under section 257.37A,  
31 subsection 2, for the budget year beginning July 1, 2022.  
32 The amounts reduced under this paragraph shall be considered  
33 funds paid to school districts and area education agencies  
34 under chapter 284 for purposes of requirements for providing  
35 professional development opportunities.

DIVISION II

CORRECTIVE PROVISIONS

1  
2  
3 Sec. 5. Section 45.1, subsection 7, paragraph a, Code 2022,  
4 as amended by 2022 Iowa Acts, House File 2466, section 3, is  
5 amended to read as follows:

6 a. For a supervisor district with a population of greater  
7 than fifteen thousand but ~~fewer~~ no more than fifty thousand  
8 according to the most recent federal decennial census,  
9 nomination petitions shall include at least fifty signatures.

10 Sec. 6. Section 80E.2, subsection 2, Code 2022, as amended  
11 by 2022 Iowa Acts, House File 2367, section 2, is amended to  
12 read as follows:

13 2. The prosecuting attorney, certified alcohol and drug  
14 counselor, certified substance abuse prevention specialist,  
15 substance use disorder treatment program director, member  
16 representing the Iowa peace officers association, member  
17 representing the Iowa state police association, the  
18 member representing the Iowa state sheriffs' and deputies'  
19 association, and the member ~~representing the Iowa police chiefs~~  
20 ~~association~~ who is a police chief shall be appointed by the  
21 governor, subject to senate confirmation, for four-year terms  
22 beginning and ending as provided in section 69.19. A vacancy  
23 on the council shall be filled for the unexpired term in the  
24 same manner as the original appointment was made.

25 Sec. 7. Section 124.204, subsection 2, paragraph c1, as  
26 enacted by 2022 Iowa Acts, House File 2201, section 1, is  
27 amended to read as follows:

28 c1. N-(1-phenethylpiperidin-4-yl)  
29 -N-phenylcyclopentanecarboxamide. Other name: ~~cyclopentanyl~~  
30 cyclopentyl fentanyl.

31 Sec. 8. Section 147.77, subsection 1, paragraph 1, as  
32 enacted by 2022 Iowa Acts, House File 803, section 51, is  
33 amended to read as follows:

34 1. The department of public safety, with respect to rules  
35 relating to permits to carry weapons, that a person who is

1 an unlawful user of or addicted to any controlled substance  
2 includes any person who is a current user of a controlled  
3 substance in a manner other than as prescribed by a licensed  
4 physician.

5 Sec. 9. Section 147.77, subsection 1, paragraph p,  
6 subparagraph (3), as enacted by 2022 Iowa Acts, House File 803,  
7 section 51, is amended to read as follows:

8 (3) For applications for a license to practice asbestos  
9 removal, that except as noted in rule, only worker and  
10 contractor/supervisor license applicants must submit a the  
11 respiratory protection and physician's certification forms.

12 Sec. 10. Section 249A.42A, subsection 2, as enacted by 2022  
13 Iowa Acts, House File 736, section 1, is amended to read as  
14 follows:

15 2. The provider documented the eligibility verification  
16 performed and any necessary prior authorization obtained  
17 pursuant to ~~paragraph "a"~~ subsection 1 in a manner and format  
18 established by the department by rule, and retained the  
19 required documentation in the recipient's file.

20 Sec. 11. Section 261.116, subsection 7, Code 2022, as  
21 amended by 2022 Iowa Acts, Senate File 2383, section 16, if  
22 enacted, is amended to read as follows:

23 6. *Health care award fund.* A health care award fund is  
24 created for deposit of moneys appropriated to or received by  
25 the commission for use under the program. Notwithstanding  
26 section 8.33, moneys deposited in the health care award  
27 fund shall not revert to any fund of the state at the  
28 end of any fiscal year but shall remain in the award fund  
29 and be continuously available for use under the program.  
30 Notwithstanding section 12C.7, subsection 2, interest or  
31 earnings on moneys deposited in the health care award fund  
32 shall be credited to the fund.

33 Sec. 12. Section 441.1, subsection 3, paragraph d, as  
34 enacted by 2022 Iowa Acts, Senate File 384, section 1, is  
35 amended to read as follows:

1     d. The provisions of chapter 28E are applicable to this  
2 ~~section~~ subsection.

3     Sec. 13. Section 600.5, subsection 9A, as enacted by 2022  
4 Iowa Acts, House File 2252, section 6, is amended to read as  
5 follows:

6     9A. If the parents of the person to be adopted had their  
7 parental rights terminated pursuant to chapter 232, the  
8 petition shall ~~included~~ include the names of any known siblings  
9 placed separately from the person to be adopted and either the  
10 plan for ongoing contact between the siblings if a court found  
11 that continued contact is in the best interest of each sibling  
12 or a statement that the court found continued contact between  
13 the siblings is not in the best interest of each sibling.

14     Sec. 14. Section 692A.102, subsection 1, paragraph c,  
15 subparagraph (012), if enacted by 2022 Iowa Acts, Senate File  
16 529, section 6, is amended to read as follows:

17     NEW SUBPARAGRAPH. (012) Sexual abuse in the fourth  
18 degree in violation of section 709.4A, subsection 3, if the  
19 perpetrator is a health care professional as defined in section  
20 714I.2, who used or provided the health care professional's  
21 own human reproductive material for assisted reproduction in  
22 violation of section 714I.3, subsection 2.

23     Sec. 15. 2022 Iowa Acts, House File 2200, section 3, is  
24 amended to read as follows:

25     SEC. 3. APPLICABILITY. This Act applies to direct health  
26 care agreements that are fully executed on or after the  
27 effective date of enactment this Act.

28     Sec. 16. 2022 Iowa Acts, House File 2201, section 7, is  
29 amended by striking the section and inserting in lieu thereof  
30 the following:

31     SEC. 7. Section 124.206, subsection 2, paragraph a,  
32 unnumbered paragraph 1, Code 2022, is amended by striking  
33 the unnumbered paragraph and inserting in lieu thereof the  
34 following:

35     Opium and opiate, and any salt, compound, derivative,

1 or preparation of opium or opiate excluding apomorphine,  
2 thebaine-derived butorphanol, dextrorphan, nalbuphine,  
3 naldemedine, nalmefene, naloxegol, naloxone, 6beta-naltrexol,  
4 naltrexone, and samidorphan, and their respective salts, but  
5 including the following:

6     Sec. 17. 2022 Iowa Acts, Senate File 2295, section 184, is  
7 amended by striking the section and inserting in lieu thereof  
8 the following:

9     SEC. 184. 2020 Iowa Acts, chapter 1064, sections 17 and  
10 18, are amended by striking the sections and inserting in lieu  
11 thereof the following:

12     SEC. 17. Section 422.12D, subsection 2, Code 2022, is  
13 amended to read as follows:

14     2. The director of revenue shall draft the income tax form  
15 to allow the designation of contributions to the veterans trust  
16 fund and to the volunteer fire fighter preparedness fund as  
17 one checkoff on the tax return. The department of revenue,  
18 on or before January 31, shall transfer one-half of the total  
19 amount designated on the tax return forms due in the preceding  
20 calendar year to the veterans trust fund and the remaining  
21 one-half to the volunteer fire fighter preparedness fund.  
22 However, before a checkoff pursuant to this section shall be  
23 permitted, all liabilities on the books of the department of  
24 ~~administrative services~~ and accounts identified as owing under  
25 section ~~8A-504~~ 421.65 shall be satisfied.

26     SEC. 18. Section 422.12L, subsection 2, Code 2022, is  
27 amended to read as follows:

28     2. The director of revenue shall draft the income tax form  
29 to allow the designation of contributions to the foundation  
30 fund on the tax return. The department, on or before January  
31 31, shall transfer the total amount designated on the tax  
32 form due in the preceding year to the foundation fund.  
33 However, before a checkoff pursuant to this section shall be  
34 permitted, all liabilities on the books of the department of  
35 ~~administrative services~~ and accounts identified as owing under

1 section ~~8A.504~~ 421.65 shall be satisfied.

2 Sec. 18. CONTINGENT REPEAL. 2022 Iowa Acts, House File  
3 2581, section 13, if enacted, is repealed.

4 Sec. 19. CODE EDITOR DIRECTIVES.

5 1. If Senate File 496 is enacted during the 2022 session  
6 of the Eighty-ninth General Assembly, the Code editor is  
7 directed to transfer the Code sections as enacted by that Act  
8 as follows:

9 a. Section 94.1 to section 94B.1.

10 b. Section 94.2 to section 94B.2.

11 2. The Code editor is directed to renumber section 331.301,  
12 subsection 18, as enacted by 2022 Iowa Acts, House File 728, to  
13 become section 331.301, subsection 21.

14 3. The Code editor shall correct internal references in the  
15 Code and in any enacted legislation as necessary due to the  
16 enactment of this section.

17 Sec. 20. EFFECTIVE DATE. The following, being deemed of  
18 immediate importance, take effect upon enactment:

19 1. The section of this division of this Act amending section  
20 124.204, subsection 2, paragraph "cl".

21 2. The section of this division of this Act amending 2022  
22 Iowa Acts, House File 2200, section 3.

23 3. The section of this division of this Act amending 2022  
24 Iowa Acts, House File 2201, section 7.

25 Sec. 21. RETROACTIVE APPLICABILITY. The following apply  
26 retroactively to May 2, 2022:

27 1. The section of this division of this Act amending section  
28 124.204, subsection 2, paragraph "cl".

29 2. The section of this division of this Act amending 2022  
30 Iowa Acts, House File 2201, section 7.

31 Sec. 22. RETROACTIVE APPLICABILITY. The section of this  
32 division of this Act amending 2022 Iowa Acts, House File 2200,  
33 section 3, applies retroactively to May 12, 2022.

34 DIVISION III

35 OFFICE OF THE CHIEF INFORMATION OFFICER



1     Sec. 23. Section 8B.2, Code 2022, is amended to read as  
2 follows:

3     **8B.2 Office ~~created~~ established — chief information officer**  
4 **~~appointed~~ selected.**

5     1. The office of the chief information officer is ~~created~~  
6 ~~as an independent agency and is attached to the department of~~  
7 ~~administrative services for accounting and fiscal services.~~  
8 ~~The department of administrative services shall provide such~~  
9 ~~additional assistance and administrative support services to~~  
10 ~~the office as the department of administrative services and the~~  
11 ~~office determines maximizes the efficiency and effectiveness~~  
12 ~~of both the department and office~~ established within the  
13 department of management.

14     2. The chief information officer, who shall be the head  
15 of the office, shall be ~~appointed by the governor to serve at~~  
16 ~~the pleasure of the governor and is subject to confirmation by~~  
17 ~~the senate. If the office becomes vacant, the vacancy shall~~  
18 ~~be filled in the same manner as provided for the original~~  
19 ~~appointment~~ selected by the director of the department of  
20 management. The director of the department of management shall  
21 set the salary of the chief information officer.

22     3. The person ~~appointed~~ selected as the chief information  
23 officer for the state shall be professionally qualified by  
24 education and have no less than five years' experience in the  
25 field of information technology, and a working knowledge of  
26 financial management. ~~The chief information officer shall~~  
27 ~~not be a member of any local, state, or national committee~~  
28 ~~of a political party, an officer or member of a committee in~~  
29 ~~any partisan political club or organization, or hold or be~~  
30 ~~a candidate for a paid elective public office. The chief~~  
31 ~~information officer is subject to the restrictions on political~~  
32 ~~activity provided in section 8A.416.~~

33     Sec. 24. Section 8D.3, subsection 2, paragraph b, Code 2022,  
34 is amended to read as follows:

35     b. The auditor of state or the auditor's designee and

1 the chief information officer ~~appointed~~ selected pursuant to  
2 section 8B.2 or the chief information officer's designee shall  
3 serve as nonvoting, ex officio members of the commission.

4 Sec. 25. Section 11.5B, subsection 15, Code 2022, is amended  
5 to read as follows:

6 15. Office of the chief information officer of the  
7 department of management.

8 Sec. 26. 2008 Iowa Acts, chapter 1191, section 14,  
9 subsection 7, as amended by 2010 Iowa Acts, chapter 1193,  
10 section 26, is amended to read as follows:

11 7. The following are range 7 positions: administrator  
12 of the public broadcasting division of the department of  
13 education, director of the department of corrections, director  
14 of the department of education, director of human services,  
15 director of the department of economic development, executive  
16 director of the Iowa telecommunications and technology  
17 commission, executive director of the state board of regents,  
18 director of transportation, director of the department of  
19 workforce development, director of revenue, director of  
20 public health, state court administrator, director of the  
21 department of management, ~~chief information officer~~, state debt  
22 coordinator, and director of the department of administrative  
23 services.

24 Sec. 27. EFFECTIVE DATE. This division of this Act, being  
25 deemed of immediate importance, takes effect upon enactment.

26 Sec. 28. APPLICABILITY. This division of this Act, as it  
27 relates to the salary of the chief information officer, applies  
28 with the pay period beginning after the effective date of this  
29 division of this Act, and subsequent pay periods.

30 DIVISION IV

31 CONDUCT OF ELECTIONS — FUNDING

32 Sec. 29. NEW SECTION. **49.17 Conduct of elections —**  
33 **funding.**

34 1. The state commissioner or a county commissioner or  
35 political subdivision of the state shall only accept funding

1 from the following sources for the purposes of conducting an  
2 election:

3     a. Lawful appropriations of public moneys from the  
4 government of the United States.

5     b. Lawful appropriations of public moneys from the state of  
6 Iowa.

7     c. Lawful appropriations of public moneys from a political  
8 subdivision of the state for the conduct of an election in the  
9 political subdivision.

10     2. The state commissioner, a county commissioner, or a  
11 political subdivision of the state shall not accept or expend  
12 a grant, gift, or other source of funding from a source other  
13 than those listed in subsection 1, including from a private  
14 person, corporation, partnership, political party, nonparty  
15 political organization, committee as defined in section  
16 68A.102, or other organization for the purpose of conducting  
17 an election.

18     3. This section does not prohibit the state commissioner or  
19 a county commissioner or political subdivision from issuing and  
20 collecting fees as otherwise provided by law.

21     4. This section does not apply to the contribution of a  
22 building for use as a polling place pursuant to section 49.21.

23     Sec. 30. EFFECTIVE DATE. This division of this Act, being  
24 deemed of immediate importance, takes effect upon enactment.

25                                   DIVISION V

26                                   DIRECT MASS MAILING

27     Sec. 31. Section 68A.405A, Code 2022, is amended by adding  
28 the following new subsections:

29     NEW SUBSECTION. 3. For the purposes of this section,  
30 "*direct mass mailing*" means a mailing, regardless of whether  
31 the mailing was sent in response to a request or due to the  
32 recipient's enrollment in a program, that provides information  
33 to the recipient about a person, policy, product, service,  
34 program, initiative, law, legislation, event, or activity  
35 promoted by the statewide elected official that is all of the

1 following:

2     a. Printed material delivered by the United States mail or  
3 other delivery service.

4     b. Sent to more than two hundred physical addresses.

5     c. Substantially similar or identical as regards each  
6 mailing.

7     d. Sent at the same time or within a thirty-day period.

8     NEW SUBSECTION. 4. Notwithstanding subsection 3, a  
9 mailing that is sent to any participant in a program or the  
10 participant's address within sixty days of an election in which  
11 an office listed in section 39.9 is to appear on the ballot  
12 shall be considered a direct mass mailing for the purposes  
13 of subsection 1 if the purpose of the mailing is to provide  
14 a participant with information relevant to the participant's  
15 existing account with a program sponsored and administered by  
16 the statewide elected official who sent the mailing.

17                                   DIVISION VI

18                                   OPEN ENROLLMENT

19     Sec. 32. Section 256F.9, Code 2022, is amended to read as  
20 follows:

21     **256F.9 Procedures after revocation — student enrollment.**

22     If a charter school or innovation zone school contract is  
23 revoked in accordance with this chapter, a nonresident student  
24 who attended the school, and any siblings of the student,  
25 ~~shall be determined to have shown "good cause" as provided in~~  
26 ~~section 282.18, subsection 4, paragraph "b", and may submit an~~  
27 ~~application to another school district according to section~~  
28 ~~282.18 at any time. Applications and notices required by~~  
29 ~~section 282.18 shall be processed and provided in a prompt~~  
30 ~~manner. The application and notice deadlines in section 282.18~~  
31 ~~do not apply to a nonresident student application under these~~  
32 ~~circumstances.~~

33     Sec. 33. Section 282.18, subsection 2, paragraphs a and b,  
34 Code 2022, are amended to read as follows:

35     a. ~~By March 1 of the preceding school year for students~~

~~1 entering grades one through twelve, or by September 1 of the~~  
~~2 current school year for students entering kindergarten or~~  
~~3 for prekindergarten students enrolled in special education~~  
~~4 programs and included in the school district's basic enrollment~~  
~~5 under section 257.6, subsection 1, paragraph "a", subparagraph~~  
~~6 (1), the~~ A parent or guardian shall send notification to the  
7 district of residence and the receiving district, on forms  
8 prescribed by the department of education, that the parent or  
9 guardian intends to enroll the parent's or guardian's child  
10 in a public school in another school district. ~~If a parent~~  
~~11 or guardian fails to file a notification that the parent~~  
~~12 intends to enroll the parent's or guardian's child in a public~~  
~~13 school in another district by the deadline specified in this~~  
~~14 subsection, the procedures of subsection 4 apply.~~

15     b. The board of the receiving district shall enroll the  
16 pupil in a school in the receiving district ~~for the following~~  
~~17 school year~~ unless the receiving district has insufficient  
18 classroom space for the pupil. The board of directors  
19 of a receiving district may adopt a policy granting the  
20 superintendent of the school district authority to approve open  
21 enrollment applications. If the request is granted, the board  
22 shall transmit a copy of the form to the parent or guardian and  
23 the school district of residence within five days after board  
24 action, ~~but not later than June 1 of the preceding school year.~~  
25 The parent or guardian may withdraw the request at any time  
26 prior to the ~~start of the school year~~ board's action on the  
27 application. A denial of a request by the board of a receiving  
28 district is not subject to appeal.

29     Sec. 34. Section 282.18, subsection 3, paragraph a, Code  
30 2022, is amended to read as follows:

31     a. The superintendent of a district subject to court-ordered  
32 desegregation may deny a request for transfer under this  
33 section if the superintendent finds that enrollment or release  
34 of a pupil will adversely affect the district's implementation  
35 of the desegregation order, unless the transfer is requested

1 by a pupil whose sibling is already participating in open  
2 enrollment to another district, or unless the request for  
3 transfer is submitted to the district ~~in a timely manner as~~  
4 ~~required under subsection 2~~ prior to implementation of the  
5 desegregation order by the district. If a transfer request  
6 would facilitate implementation of a desegregation order, the  
7 district shall give priority to granting the request over other  
8 requests.

9 Sec. 35. Section 282.18, subsections 4, 5, and 15, Code  
10 2022, are amended by striking the subsections.

11 Sec. 36. Section 282.18, subsection 6, Code 2022, is amended  
12 to read as follows:

13 6. A request under this section is for a period of not less  
14 than one year. If the request is for more than one year and  
15 the parent or guardian desires to have the pupil enroll in a  
16 different district, the parent or guardian may petition the  
17 current receiving district ~~by March 1 of the previous school~~  
18 ~~year~~ for permission to enroll the pupil in a different district  
19 for a period of not less than one year. Upon receipt of such a  
20 request, the current receiving district board may act on the  
21 request to transfer to the other school district at the next  
22 regularly scheduled board meeting after the receipt of the  
23 request. The new receiving district shall enroll the pupil  
24 in the district unless there is insufficient classroom space  
25 in the district or the district is subject to court-ordered  
26 desegregation and enrollment of the pupil would adversely  
27 affect implementation of the desegregation order. A denial of  
28 a request to change district enrollment ~~within the approved~~  
29 ~~period~~ is not subject to appeal. ~~However, a~~ A pupil who has  
30 been in attendance in another district under this section  
31 may return to the district of residence and enroll at any  
32 time, once the parent or guardian has notified the district of  
33 residence and the receiving district in writing of the decision  
34 to enroll the pupil in the district of residence.

35 Sec. 37. Section 282.18, subsection 7, Code 2022, is amended

1 by adding the following new paragraph:

2 NEW PARAGRAPH. *c.* If a pupil participating in open  
3 enrollment attends school in the receiving district for less  
4 than a full school year, payment from the district of residence  
5 to the receiving district shall be prorated on a per diem  
6 basis.

7 Sec. 38. Section 282.18, subsection 11, paragraph a,  
8 subparagraph (8), Code 2022, is amended to read as follows:

9 (8) If the pupil participates in open enrollment because  
10 of circumstances that meet the definition of good cause ~~under~~  
11 ~~subsection 4, paragraph "b".~~ For purposes of this subparagraph,  
12 "good cause" means a change in a child's residence due to a  
13 change in family residence, a change in a child's residence  
14 from the residence of one parent or guardian to the residence  
15 of different parent or guardian, a change in the state in  
16 which the family residence is located, a change in a child's  
17 parents' marital status, a guardianship or custody proceeding,  
18 placement in foster care, adoption, participation in a foreign  
19 exchange program, initial placement of a prekindergarten  
20 student in a special education program requiring specially  
21 designed instruction, or participation in a substance abuse  
22 or mental health treatment program, a change in the status of  
23 a child's resident district such as removal of accreditation  
24 by the state board, surrender of accreditation, or permanent  
25 closure of a nonpublic school, revocation of a charter school  
26 contract as provided in section 256E.10 or 256F.8, the failure  
27 of negotiations for a whole grade sharing, reorganization,  
28 dissolution agreement, or the rejection of a current whole  
29 grade sharing agreement, or reorganization plan.

30 Sec. 39. Section 290.1, Code 2022, is amended to read as  
31 follows:

32 **290.1 Appeal to state board.**

33 An affected pupil, or the parent or guardian of an affected  
34 pupil who is a minor, who is aggrieved by a decision or order  
35 of the board of directors of a school corporation in a matter

1 of law or fact, ~~or a decision or order of a board of directors~~  
2 ~~under section 282.18, subsection 5,~~ may, within thirty days  
3 after the rendition of the decision or the making of the order,  
4 appeal the decision or order to the state board of education;  
5 the basis of the proceedings shall be an affidavit filed with  
6 the state board by the party aggrieved within the time for  
7 taking the appeal, which affidavit shall set forth any error  
8 complained of in a plain and concise manner.

9     Sec. 40. EMERGENCY RULES. The department of education may  
10 adopt emergency rules under section 17A.4, subsection 3, and  
11 section 17A.5, subsection 2, paragraph "b", to implement the  
12 provisions of this division of this Act and the rules shall  
13 be effective immediately upon filing unless a later date is  
14 specified in the rules. Any rules adopted in accordance with  
15 this section shall also be published as a notice of intended  
16 action as provided in section 17A.4.

17     Sec. 41. EFFECTIVE DATE. This division of this Act, being  
18 deemed of immediate importance, takes effect upon enactment.

19                                 DIVISION VII

20                                 SHARED OPERATIONAL FUNCTIONS

21     Sec. 42. Section 257.11, subsection 5, paragraph a, Code  
22 2022, is amended to read as follows:

23     a. (1) In order to provide additional funding to increase  
24 student opportunities and redirect more resources to student  
25 programming for school districts that share operational  
26 functions, a district that shares with a political subdivision  
27 one or more operational functions of a curriculum director,  
28 master social worker, independent social worker, work-based  
29 learning coordinator, special education director, mental  
30 health professional who holds a statement of recognition  
31 issued by the board of educational examiners, college  
32 and career transition counselor or coordinator, or school  
33 counselor, or one or more operational functions in the areas  
34 of superintendent management, business management, human  
35 resources, transportation, or operation and maintenance for at



1 least twenty percent of the school year shall be assigned a  
2 supplementary weighting for each shared operational function.  
3 A school district that shares an operational function in  
4 the area of superintendent management shall be assigned a  
5 supplementary weighting of eight pupils for the function. A  
6 school district that shares an operational function in the area  
7 of business management, human resources, transportation, or  
8 operation and maintenance shall be assigned a supplementary  
9 weighting of five pupils for the function. A school district  
10 that shares the operational functions of a curriculum director;  
11 a master social worker or an independent social worker  
12 licensed under chapters 147 and 154C; a work-based learning  
13 coordinator; a special education director; a mental health  
14 professional who holds a statement of recognition issued by  
15 the board of educational examiners; a college and career  
16 transition counselor or coordinator; or a school counselor  
17 shall be assigned a supplementary weighting of three pupils  
18 for the function. The additional weighting shall be assigned  
19 for each discrete operational function shared. However, a  
20 school district may receive the additional weighting under this  
21 subsection for sharing the services of an individual with a  
22 political subdivision even if the type of operational function  
23 performed by the individual for the school district and the  
24 type of operational function performed by the individual  
25 for the political subdivision are not the same operational  
26 function, so long as both operational functions are eligible  
27 for weighting under this subsection. In such case, the school  
28 district shall be assigned the additional weighting for the  
29 type of operational function that the individual performs for  
30 the school district, and the school district shall not receive  
31 additional weighting for any other function performed by the  
32 individual. The operational function sharing arrangement does  
33 not need to be a newly implemented sharing arrangement to  
34 receive supplementary weighting under this subsection.

35 (2) For the purposes of this paragraph "a":

1     (a) "College and career transition counselor or coordinator"  
2     means a licensed school counselor or an appropriately trained  
3     individual responsible for providing direct services to  
4     students, parents, families, schools, and postsecondary  
5     institutions to support college preparation and postsecondary  
6     success, such as college preparation, financial aid processing,  
7     and transition to postsecondary institution enrollment.

8     ~~(a)~~ (b) *"Political subdivision"* means a city, township,  
9     county, school corporation, merged area, area education agency,  
10    institution governed by the state board of regents, or any  
11    other governmental subdivision.

12    ~~(b)~~ (c) *"Work-based learning coordinator"* means an  
13    appropriately trained individual responsible for facilitating  
14    authentic, engaging work-based learning experiences for  
15    learners and educators in partnership with employers and others  
16    to enhance learning by connecting the content and skills that  
17    are necessary for future careers.

18                                   DIVISION VIII

19    DELINQUENT ACT — POSSESSION OF DANGEROUS WEAPONS OR FIREARMS  
20                                   BY MINORS

21    Sec. 43. Section 232.2, subsection 12, Code 2022, is amended  
22    by adding the following new paragraph:

23    NEW PARAGRAPH. *e.* The violation of section 724.4E which is  
24    committed by a child.

25    Sec. 44. EFFECTIVE DATE. This division of this Act, being  
26    deemed of immediate importance, takes effect upon enactment.

27                                   DIVISION IX

28                                   ASSAULT — NATIONAL GUARD MEMBERS

29    Sec. 45. Section 708.3A, subsections 1, 2, 3, and 4, Code  
30    2022, are amended to read as follows:

31    1. A person who commits an assault, as defined in section  
32    708.1, against a peace officer, jailer, correctional staff,  
33    member or employee of the board of parole, health care  
34    provider, employee of the department of human services,  
35    employee of the department of revenue, national guard member

1 engaged in national guard duty or state active duty, civilian  
2 employee of a law enforcement agency, civilian employee of a  
3 fire department, or fire fighter, whether paid or volunteer,  
4 with the knowledge that the person against whom the assault  
5 is committed is a peace officer, jailer, correctional staff,  
6 member or employee of the board of parole, health care  
7 provider, employee of the department of human services,  
8 employee of the department of revenue, national guard member  
9 engaged in national guard duty or state active duty, civilian  
10 employee of a law enforcement agency, civilian employee of a  
11 fire department, or fire fighter and with the intent to inflict  
12 a serious injury upon the peace officer, jailer, correctional  
13 staff, member or employee of the board of parole, health  
14 care provider, employee of the department of human services,  
15 employee of the department of revenue, national guard member  
16 engaged in national guard duty or state active duty, civilian  
17 employee of a law enforcement agency, civilian employee of a  
18 fire department, or fire fighter, is guilty of a class "D"  
19 felony.

20 2. A person who commits an assault, as defined in section  
21 708.1, against a peace officer, jailer, correctional staff,  
22 member or employee of the board of parole, health care  
23 provider, employee of the department of human services,  
24 employee of the department of revenue, national guard member  
25 engaged in national guard duty or state active duty, civilian  
26 employee of a law enforcement agency, civilian employee of a  
27 fire department, or fire fighter, whether paid or volunteer,  
28 who knows that the person against whom the assault is committed  
29 is a peace officer, jailer, correctional staff, member or  
30 employee of the board of parole, health care provider, employee  
31 of the department of human services, employee of the department  
32 of revenue, national guard member engaged in national guard  
33 duty or state active duty, civilian employee of a law  
34 enforcement agency, civilian employee of a fire department, or  
35 fire fighter and who uses or displays a dangerous weapon in

1 connection with the assault, is guilty of a class "D" felony.

2     3. A person who commits an assault, as defined in section  
3 708.1, against a peace officer, jailer, correctional staff,  
4 member or employee of the board of parole, health care  
5 provider, employee of the department of human services,  
6 employee of the department of revenue, national guard member  
7 engaged in national guard duty or state active duty, civilian  
8 employee of a law enforcement agency, civilian employee of a  
9 fire department, or fire fighter, whether paid or volunteer,  
10 who knows that the person against whom the assault is committed  
11 is a peace officer, jailer, correctional staff, member or  
12 employee of the board of parole, health care provider, employee  
13 of the department of human services, employee of the department  
14 of revenue, national guard member engaged in national guard  
15 duty or state active duty, civilian employee of a law  
16 enforcement agency, civilian employee of a fire department, or  
17 fire fighter, and who causes bodily injury or mental illness,  
18 is guilty of an aggravated misdemeanor.

19     4. Any other assault, as defined in section 708.1, committed  
20 against a peace officer, jailer, correctional staff, member or  
21 employee of the board of parole, health care provider, employee  
22 of the department of human services, employee of the department  
23 of revenue, national guard member engaged in national guard  
24 duty or state active duty, civilian employee of a law  
25 enforcement agency, civilian employee of a fire department,  
26 or fire fighter, whether paid or volunteer, by a person who  
27 knows that the person against whom the assault is committed is  
28 a peace officer, jailer, correctional staff, member or employee  
29 of the board of parole, health care provider, employee of the  
30 department of human services, employee of the department of  
31 revenue, national guard member engaged in national guard duty  
32 or state active duty, civilian employee of a law enforcement  
33 agency, civilian employee of a fire department, or fire  
34 fighter, is a serious misdemeanor.

35     Sec. 46. Section 708.3A, subsection 5, Code 2022, is amended

1 by adding the following new paragraphs:

2 NEW PARAGRAPH. *f. "National guard" means the same as*  
3 *defined in section 29A.1.*

4 NEW PARAGRAPH. *g. "National guard duty" means the same as*  
5 *defined in section 29A.1.*

6 NEW PARAGRAPH. *h. "State active duty" means the same as*  
7 *defined in section 29A.1.*

8 DIVISION X

9 DEPENDENT ADULT ABUSE RESULTING IN DEATH

10 Sec. 47. Section 726.26, if enacted by 2022 Iowa Acts,  
11 Senate File 522, section 6, is amended by adding the following  
12 new subsection:

13 NEW SUBSECTION. 2A. A caretaker who intentionally or  
14 recklessly commits dependent adult abuse is guilty of murder  
15 in the second degree in violation of section 707.3 if the  
16 intentional or reckless dependent adult abuse results in the  
17 death of the dependent adult.

18 DIVISION XI

19 HEALTH CARE PROVIDER REFERRAL TO AMBULATORY SURGICAL CENTER

20 Sec. 48. NEW SECTION. 147.163 **Provision of information —**  
21 **referral to ambulatory surgical center — licensee discipline.**

22 1. A health care provider who determines that a patient is a  
23 candidate for outpatient surgery based on the patient's medical  
24 status and surgical service needs, and refers the patient to  
25 an ambulatory surgical center as an option for the surgery,  
26 shall provide the patient with a written document listing the  
27 factors the patient should consider to make a fully informed  
28 decision about the patient's recommended course of care. The  
29 considerations shall include all of the following:

30 *a.* The differences in ownership; licensure, certification,  
31 or accreditation; and payment alternatives between the  
32 ambulatory surgical center and a hospital.

33 *b.* The types of medical personnel generally involved in the  
34 patient's surgical service and the capacity of the ambulatory  
35 surgical center and a hospital to comply with the personnel

1 requirements.

2     *c.* The capacity of the ambulatory surgical center and a  
3 hospital to respond to medical complications and emergencies  
4 that may arise from the surgical service.

5     *d.* The proximity of the ambulatory surgical center to a  
6 hospital and the protocols in place for transfer of a patient  
7 from the ambulatory surgical center to the hospital for  
8 emergency care.

9     *e.* The type of anesthesia generally used for the patient's  
10 surgical service and the capacity of the ambulatory surgical  
11 center and a hospital to comply with requirements relative to  
12 the use of anesthesia.

13     2. For the purposes of this section:

14     *a.* "*Ambulatory surgical center*" means a distinct facility  
15 that operates exclusively for the purpose of providing surgical  
16 services to patients not requiring hospitalization and in which  
17 the expected duration of services does not exceed twenty-four  
18 hours following an admission. "*Ambulatory surgical center*"  
19 includes a facility that otherwise meets the definition of  
20 ambulatory surgical center whether or not licensed, certified,  
21 or accredited as an ambulatory surgical center and which may  
22 or may not operate on a partially cash-only or completely  
23 cash-only basis. "*Ambulatory surgical center*" does not include  
24 individual or group practice offices of private physicians  
25 or podiatrists that do not contain a distinct area used for  
26 outpatient surgical treatment on a regular basis, or that  
27 only provide surgery routinely provided in a physician's  
28 or podiatrist's office using local anesthesia or conscious  
29 sedation; individual or group practice offices of private  
30 dentists; or a portion of a licensed hospital designated for  
31 outpatient surgical treatment.

32     *b.* "*Health care provider*" means a person who is licensed,  
33 certified, or otherwise authorized or permitted by the laws of  
34 this state to administer health care in the ordinary course of  
35 business or in the practice of a profession.

1     *c.*    “*Hospital*” means the same as defined in section 135B.1.

2     3.    A health care provider who violates this section is  
3 subject to licensee discipline by the appropriate licensing or  
4 disciplinary authority.

5                                   DIVISION XII

6                   HEALTH CARE EMPLOYMENT AGENCIES

7     Sec. 49.   RETROACTIVE APPLICABILITY.   2022 Iowa Acts, House  
8 File 2521, applies retroactively to any contract between a  
9 health care employment agency and an agency worker or health  
10 care entity referred to under section 135Q.2, subsection 3, as  
11 enacted by 2022 Iowa Acts, House File 2521, that was entered  
12 into or executed on or after January 1, 2019.

13                                  DIVISION XIII

14               PHYSICAL EXAMINATIONS BY LICENSED PHYSICIANS

15     Sec. 50.   Section 237A.12, Code 2022, is amended by adding  
16 the following new subsection:

17     NEW SUBSECTION.   6.   Rules adopted relating to physical  
18 examination requirements for licensed or registered facility  
19 personnel and the children being provided child care by the  
20 licensed or registered facility shall allow for any licensed  
21 physician as defined in section 135.1 to perform the physical  
22 examination.

23                                  DIVISION XIV

24               BEVERAGE CONTAINERS CONTROL

25     Sec. 51.   Section 455C.2, subsection 2, paragraph b, if  
26 enacted by 2022 Iowa Acts, Senate File 2378, section 4, is  
27 amended to read as follows:

28     *b.*    A distributor who pays a handling fee for ~~beverage~~  
29 ~~containers~~ a beverage container that was sold for consumption  
30 off the premises and that used to contain beer, including  
31 high-alcoholic content beer, may claim a refund of the barrel  
32 tax established in section 123.136 paid by the distributor  
33 in the amount of one cent for each such beverage container  
34 accepted by the distributor.   The department of revenue shall  
35 prescribe forms for a distributor to use to claim a refund

1 under this paragraph. Identifying information collected by the  
2 department of revenue pursuant to this paragraph that can be  
3 used to identify a specific distributor shall be considered  
4 confidential information pursuant to section 22.7, subsection  
5 75.

6 Sec. 52. EFFECTIVE DATE. This division of this Act takes  
7 effect January 1, 2023.

8 DIVISION XV

9 FUNERAL SERVICES — CORRECTION

10 Sec. 53. Section 523A.505, subsection 1, as enacted by 2022  
11 Iowa Acts, House File 2155, section 4, is amended to read as  
12 follows:

13 1. A sales agent, and any person who owns at least five  
14 percent of a preneed seller business, shall have an ongoing  
15 duty to disclose to the commissioner all felony crimes and  
16 those misdemeanor-level crimes involving dishonesty or false  
17 statement for which the sales agent or person has been found  
18 guilty, or for which the sales agent or person has pled  
19 guilty or no contest. Such disclosure shall be made to the  
20 commissioner within thirty calendar days of the date that  
21 the sales agent or person has been found guilty by a court  
22 of competent jurisdiction, or of the date the sales agent or  
23 person pleads ~~not~~ guilty or no contest.

24 DIVISION XVI

25 COUNTY JURISDICTION — CEMETERIES

26 Sec. 54. Section 331.325, subsection 3, Code 2022, is  
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. *d.* A cemetery that does not otherwise  
29 qualify to be under the jurisdiction and control of a county  
30 board of supervisors or county cemetery commission may  
31 designate a portion of the cemetery as a pioneer section if at  
32 least fifty percent of the burials in that portion occurred  
33 at least one hundred years prior to the designation. Upon  
34 approval by the cemetery, the county board of supervisors, and  
35 the county cemetery commission, the county cemetery commission



1 may use its resources to restore and maintain the pioneer  
2 section of the cemetery as though that section was a pioneer  
3 cemetery. However, a cemetery with a designated pioneer  
4 section and the pioneer section itself shall not be considered  
5 a pioneer cemetery.

6 Sec. 55. NEW SECTION. 523I.403 Pioneer section —  
7 management by county cemetery commission.

8 A cemetery may designate a portion of the cemetery as a  
9 pioneer section to be restored and maintained by the county  
10 cemetery commission as provided in section 331.325, subsection  
11 3, paragraph "d".

12 DIVISION XVII

13 HOME-BASED BUSINESSES

14 Sec. 56. Section 137D.1, subsection 4, unnumbered paragraph  
15 1, Code 2022, as amended by 2022 Iowa Acts, House File 2431,  
16 section 2, if enacted, is amended to read as follows:

17 "*Homemade food item*" means a food that is produced and, if  
18 packaged, packaged at a home food processing establishment.  
19 "*Homemade food item*" includes food that is not time/temperature  
20 control for safety food, but does not include such food if  
21 produced and sold under section 137F.20. "*Homemade food item*"  
22 does not include unpasteurized fruit or vegetable juice, raw  
23 sprout seeds, foods containing game animals, fish or shellfish,  
24 alcoholic beverages, bottled water, packaged ice, consumable  
25 hemp products, food that will be further processed by a food  
26 processing plant, time/temperature control for safety food  
27 packaged using a reduced oxygen packaging method, milk or milk  
28 products regulated under chapter 192 or 194, and meat, meat  
29 food products, poultry, or poultry products regulated under  
30 chapter 189A, except for any of the following products when  
31 sold directly to the end consumer:

32 Sec. 57. Section 137F.1, subsection 2A, paragraph a, if  
33 enacted by 2022 Iowa Acts, House File 2431, section 8, is  
34 amended to read as follows:

35 a. Milk or milk products regulated under chapter 192 or

S-5179 (Continued)

1 194.>

2     2. Title page, by striking lines 1 through 5 and  
3 inserting <An Act relating to state and local finances by  
4 making appropriations, providing for legal and regulatory  
5 responsibilities, providing for other properly related matters,  
6 providing penalties, making penalties applicable, and including  
7 effective date, applicability, and retroactive applicability  
8 provisions.>

By JACK WHITVER

S-5179 FILED MAY 24, 2022

ADOPTED

SENATE FILE 2384

S-5180

1 Amend the amendment, S-5179, to Senate File 2384, as  
2 follows:

3 1. Page 20, after line 7 by inserting:

4 <DIVISION \_\_\_\_

5 CONTROLLED SUBSTANCES — COCAINE AND COCAINE BASE

6 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph a,  
7 subparagraph (2), subparagraph division (b), Code 2022, is  
8 amended to read as follows:

9 (b) Cocaine, or cocaine base or its salts, optical and  
10 geometric isomers, or salts of isomers.

11 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph a,  
12 subparagraph (3), Code 2022, is amended by striking the  
13 subparagraph.

14 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph b,  
15 subparagraph (2), subparagraph division (b), Code 2022, is  
16 amended to read as follows:

17 (b) Cocaine, or cocaine base or its salts, optical and  
18 geometric isomers, or salts of isomers.

19 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph b,  
20 subparagraph (3), Code 2022, is amended by striking the  
21 subparagraph.

22 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph c,  
23 subparagraph (2), subparagraph division (b), Code 2022, is  
24 amended to read as follows:

25 (b) Cocaine, or cocaine base or its salts, optical and  
26 geometric isomers, or salts of isomers.

27 Sec. \_\_\_\_\_. Section 124.401, subsection 1, paragraph c,  
28 subparagraph (3), Code 2022, is amended by striking the  
29 subparagraph.

30 Sec. \_\_\_\_\_. Section 232.22, subsection 1, paragraph e, Code  
31 2022, is amended to read as follows:

32 e. There is probable cause to believe that the child has  
33 committed a delinquent act involving possession with intent to  
34 deliver any of the following controlled substances:

35 ~~{1} A mixture or substance containing cocaine base, also~~

S-5180 (Continued)

1 ~~known as crack cocaine, and if the act was committed by an~~  
2 ~~adult, it would be a violation of section 124.401, subsection~~  
3 ~~1, paragraph "a", subparagraph (3), paragraph "b", subparagraph~~  
4 ~~(3), or paragraph "c", subparagraph (3).~~

5     {2}   (1) A mixture or substance containing cocaine, or  
6 cocaine base or its salts, optical and geometric isomers, and  
7 salts of isomers, and if the act was committed by an adult,  
8 it would be a violation of section 124.401, subsection 1,  
9 paragraph "a", subparagraph (2), subparagraph division (b),  
10 paragraph "b", subparagraph (2), subparagraph division (b), or  
11 paragraph "c", subparagraph (2), subparagraph division (b).

12     {3}   (2) A mixture or substance containing methamphetamine,  
13 its salts, isomers, or salts of isomers, or analogs of  
14 methamphetamine, and if the act was committed by an adult, it  
15 would be a violation of section 124.401, subsection 1.>

16     2. By renumbering as necessary.

By ZACH NUNN

[S-5180](#) FILED MAY 24, 2022

WITHDRAWN

SENATE FILE 2384

S-5181

1 Amend the amendment, S-5179, to Senate File 2384, as  
2 follows:

3 1. By striking page 1, line 1, through page 25, line 8, and  
4 inserting:

5 <Amend Senate File 2384 as follows:

6 1. By striking everything after the enacting clause and  
7 inserting:

8 <DIVISION I

9 STANDING APPROPRIATIONS AND RELATED MATTERS

10 Section 1. LIMITATIONS OF STANDING APPROPRIATIONS — FY  
11 2022-2023. Notwithstanding the standing appropriation in the  
12 following designated section for the fiscal year beginning July  
13 1, 2022, and ending June 30, 2023, the amount appropriated from  
14 the general fund of the state pursuant to that section for the  
15 following designated purpose shall not exceed the following  
16 amount:

17 For payment of claims for nonpublic school pupil  
18 transportation under section 285.2:

19 ..... \$ 8,997,091

20 If total approved claims for reimbursement for nonpublic  
21 school pupil transportation exceed the amount appropriated in  
22 accordance with this section, the department of education shall  
23 prorate the amount of each approved claim.

24 Sec. 2. INSTRUCTIONAL SUPPORT STATE AID — FY 2022-2023. In  
25 lieu of the appropriation provided in section 257.20,  
26 subsection 2, the appropriation for the fiscal year  
27 beginning July 1, 2022, and ending June 30, 2023, for paying  
28 instructional support state aid under section 257.20 for the  
29 fiscal year is zero.

30 DIVISION II

31 DIRECT MASS MAILING

32 Sec. 3. Section 68A.405A, Code 2022, is amended by adding  
33 the following new subsections:

34 NEW SUBSECTION. 3. For the purposes of this section,

35 "*direct mass mailing*" means a mailing, regardless of whether

1 the mailing was sent in response to a request or due to the  
2 recipient's enrollment in a program, that provides information  
3 to the recipient about a person, policy, product, service,  
4 program, initiative, law, legislation, event, or activity  
5 promoted by the statewide elected official that is all of the  
6 following:

7     a. Printed material delivered by the United States mail or  
8 other delivery service.

9     b. Sent to more than two hundred physical addresses.

10    c. Substantially similar or identical as regards each  
11 mailing.

12    d. Sent at the same time or within a thirty-day period.

13    NEW SUBSECTION. 4. Notwithstanding subsection 3, a  
14 mailing that is sent to any participant in a program or the  
15 participant's address within sixty days of an election in which  
16 an office listed in section 39.9 is to appear on the ballot  
17 shall be considered a direct mass mailing for the purposes  
18 of subsection 1 if the purpose of the mailing is to provide  
19 a participant with information relevant to the participant's  
20 existing account with a program sponsored and administered by  
21 the statewide elected official who sent the mailing.

22                                   DIVISION III

23    DELINQUENT ACT — POSSESSION OF DANGEROUS WEAPONS OR FIREARMS  
24                                   BY MINORS

25    Sec. 4. Section 232.2, subsection 12, Code 2022, is amended  
26 by adding the following new paragraph:

27    NEW PARAGRAPH. e. The violation of section 724.4E which is  
28 committed by a child.

29    Sec. 5. EFFECTIVE DATE. This division of this Act, being  
30 deemed of immediate importance, takes effect upon enactment.

31                                   DIVISION IV

32                                   ASSAULT — NATIONAL GUARD MEMBERS

33    Sec. 6. Section 708.3A, subsections 1, 2, 3, and 4, Code  
34 2022, are amended to read as follows:

35    1. A person who commits an assault, as defined in section

1 708.1, against a peace officer, jailer, correctional staff,  
2 member or employee of the board of parole, health care  
3 provider, employee of the department of human services,  
4 employee of the department of revenue, national guard member  
5 engaged in national guard duty or state active duty, civilian  
6 employee of a law enforcement agency, civilian employee of a  
7 fire department, or fire fighter, whether paid or volunteer,  
8 with the knowledge that the person against whom the assault  
9 is committed is a peace officer, jailer, correctional staff,  
10 member or employee of the board of parole, health care  
11 provider, employee of the department of human services,  
12 employee of the department of revenue, national guard member  
13 engaged in national guard duty or state active duty, civilian  
14 employee of a law enforcement agency, civilian employee of a  
15 fire department, or fire fighter and with the intent to inflict  
16 a serious injury upon the peace officer, jailer, correctional  
17 staff, member or employee of the board of parole, health  
18 care provider, employee of the department of human services,  
19 employee of the department of revenue, national guard member  
20 engaged in national guard duty or state active duty, civilian  
21 employee of a law enforcement agency, civilian employee of a  
22 fire department, or fire fighter, is guilty of a class "D"  
23 felony.

24 2. A person who commits an assault, as defined in section  
25 708.1, against a peace officer, jailer, correctional staff,  
26 member or employee of the board of parole, health care  
27 provider, employee of the department of human services,  
28 employee of the department of revenue, national guard member  
29 engaged in national guard duty or state active duty, civilian  
30 employee of a law enforcement agency, civilian employee of a  
31 fire department, or fire fighter, whether paid or volunteer,  
32 who knows that the person against whom the assault is committed  
33 is a peace officer, jailer, correctional staff, member or  
34 employee of the board of parole, health care provider, employee  
35 of the department of human services, employee of the department

1 of revenue, national guard member engaged in national guard  
2 duty or state active duty, civilian employee of a law  
3 enforcement agency, civilian employee of a fire department, or  
4 fire fighter and who uses or displays a dangerous weapon in  
5 connection with the assault, is guilty of a class "D" felony.

6 3. A person who commits an assault, as defined in section  
7 708.1, against a peace officer, jailer, correctional staff,  
8 member or employee of the board of parole, health care  
9 provider, employee of the department of human services,  
10 employee of the department of revenue, national guard member  
11 engaged in national guard duty or state active duty, civilian  
12 employee of a law enforcement agency, civilian employee of a  
13 fire department, or fire fighter, whether paid or volunteer,  
14 who knows that the person against whom the assault is committed  
15 is a peace officer, jailer, correctional staff, member or  
16 employee of the board of parole, health care provider, employee  
17 of the department of human services, employee of the department  
18 of revenue, national guard member engaged in national guard  
19 duty or state active duty, civilian employee of a law  
20 enforcement agency, civilian employee of a fire department, or  
21 fire fighter, and who causes bodily injury or mental illness,  
22 is guilty of an aggravated misdemeanor.

23 4. Any other assault, as defined in section 708.1, committed  
24 against a peace officer, jailer, correctional staff, member or  
25 employee of the board of parole, health care provider, employee  
26 of the department of human services, employee of the department  
27 of revenue, national guard member engaged in national guard  
28 duty or state active duty, civilian employee of a law  
29 enforcement agency, civilian employee of a fire department,  
30 or fire fighter, whether paid or volunteer, by a person who  
31 knows that the person against whom the assault is committed is  
32 a peace officer, jailer, correctional staff, member or employee  
33 of the board of parole, health care provider, employee of the  
34 department of human services, employee of the department of  
35 revenue, national guard member engaged in national guard duty



1 or state active duty, civilian employee of a law enforcement  
2 agency, civilian employee of a fire department, or fire  
3 fighter, is a serious misdemeanor.

4 Sec. 7. Section 708.3A, subsection 5, Code 2022, is amended  
5 by adding the following new paragraphs:

6 NEW PARAGRAPH. *f. "National guard"* means the same as  
7 defined in section 29A.1.

8 NEW PARAGRAPH. *g. "National guard duty"* means the same as  
9 defined in section 29A.1.

10 NEW PARAGRAPH. *h. "State active duty"* means the same as  
11 defined in section 29A.1.

12 DIVISION V

13 DEPENDENT ADULT ABUSE RESULTING IN DEATH

14 Sec. 8. Section 726.26, if enacted by 2022 Iowa Acts, Senate  
15 File 522, section 6, is amended by adding the following new  
16 subsection:

17 NEW SUBSECTION. 2A. A caretaker who intentionally or  
18 recklessly commits dependent adult abuse is guilty of murder  
19 in the second degree in violation of section 707.3 if the  
20 intentional or reckless dependent adult abuse results in the  
21 death of the dependent adult.>

22 2. Title page, by striking lines 1 through 5 and  
23 inserting <An Act relating to state and local finances by  
24 making appropriations, providing for legal and regulatory  
25 responsibilities, providing for other properly related matters,  
26 providing penalties, and making penalties applicable.>

By JOE BOLKCOM

[S-5181](#) FILED MAY 24, 2022

LOST

HOUSE FILE 771

S-5176

- 1 Amend House File 771, as amended, passed, and reprinted by
- 2 the House, as follows:
- 3 1. Page 1, line 5, by striking <or bronchodilator> and
- 4 inserting <bronchodilator canisters, or bronchodilator>
- 5 2. Page 2, line 5, after <canister> by inserting <or
- 6 bronchodilator canister>
- 7 3. Page 2, line 11, after <canister> by inserting <or a
- 8 bronchodilator canister>
- 9 4. Page 2, line 17, after <canister> by inserting <,
- 10 bronchodilator canister>
- 11 5. Page 2, line 20, after <canister> by inserting <,
- 12 bronchodilator canister>
- 13 6. Page 2, line 30, after <canister> by inserting <or a
- 14 bronchodilator canister>
- 15 7. Page 2, line 35, after <canister> by inserting <or a
- 16 bronchodilator canister>
- 17 8. Page 3, line 4, after <canister> by inserting <, a
- 18 bronchodilator canister>
- 19 9. Page 3, line 8, after <canister> by inserting <or a
- 20 bronchodilator canister>
- 21 10. Page 3, line 11, after <canister> by inserting <or a
- 22 bronchodilator canister>
- 23 11. Page 3, line 24, by striking <and spacer or> and
- 24 inserting <, a bronchodilator canister and spacer, or>
- 25 12. Page 3, line 32, by striking <and spacer or> and
- 26 inserting <, a bronchodilator canister and spacer, or>
- 27 13. Page 4, line 7, after <auto-injector> by inserting <,
- 28 bronchodilator canister,>
- 29 14. Page 4, line 22, by striking <or a > and inserting <, a
- 30 bronchodilator canister, or a>
- 31 15. Page 4, line 32, after <auto-injectors> by inserting <,
- 32 bronchodilator canisters,>
- 33 16. Page 5, line 3, after <auto-injectors> by inserting <,
- 34 bronchodilator canisters,>
- 35 17. Page 5, line 5, after <auto-injectors> by inserting <,

S-5176 (Continued)

- 1 bronchodilator canisters,>
- 2 18. Page 5, line 8, after <auto-injectors> by inserting <,
- 3 bronchodilator canisters,>
- 4 19. Page 5, line 11, by striking <or> and inserting <,
- 5 bronchodilator canisters, or>
- 6 20. Page 5, line 16, after <auto-injector> by inserting <, a
- 7 bronchodilator canister,>
- 8 21. Page 5, line 26, after <auto-injector> by inserting <, a
- 9 bronchodilator canister,>
- 10 22. Page 5, line 33, after <canister> by inserting <or a
- 11 bronchodilator canister>
- 12 23. Page 6, line 6, by striking <or> and inserting <, the
- 13 bronchodilator canister, or the>
- 14 24. Page 6, line 15, after <auto-injectors> by inserting <,
- 15 bronchodilator canisters,>
- 16 25. Title page, line 2, after <bronchodilators> by
- 17 inserting <, bronchodilator canisters,>
- 18 26. By renumbering as necessary.

By KEN ROZENBOOM

[S-5176](#) FILED MAY 24, 2022

ADOPTED

HOUSE FILE 2130

S-5178

1 Amend House File 2130, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

5 <Section 1. Section 321.234A, subsection 1, paragraph f,  
6 Code 2022, is amended to read as follows:

7 f. The all-terrain vehicle is operated on a ~~county roadway~~  
8 primary highway in accordance with section 321I.10, subsection  
9 1A, a secondary road in accordance with section 321I.10,  
10 subsection 2, or a city street in accordance with section  
11 321I.10, subsection 3.

12 Sec. 2. Section 321.234A, subsection 2, Code 2022, is  
13 amended to read as follows:

14 2. A person operating an all-terrain vehicle on a highway  
15 shall have a valid driver's license and ~~the vehicle shall be~~  
16 ~~operated~~ operate the vehicle at speeds of thirty-five miles per  
17 hour or less. In addition, a person operating an all-terrain  
18 vehicle on a highway pursuant to subsection 1, paragraphs "b"  
19 through "g", shall be at least eighteen years of age and have  
20 financial liability coverage in effect for the vehicle and  
21 carry proof of such financial liability coverage in accordance  
22 with section 321.20B.

23 Sec. 3. Section 321.234A, Code 2022, is amended by adding  
24 the following new subsection:

25 NEW SUBSECTION. 2A. As provided in section 321.1, an  
26 all-terrain vehicle is a motor vehicle for purposes of this  
27 chapter. Therefore, an all-terrain vehicle operated on a  
28 highway shall be equipped with the parts, lamps, and other  
29 equipment in proper condition and adjustment as required under  
30 this chapter for motor vehicles, including but not limited  
31 to the parts, lamps, and equipment required under sections  
32 321.386, 321.387, 321.404, 321.432, and 321.437.

33 Sec. 4. Section 321.384, subsection 1, Code 2022, is amended  
34 to read as follows:

35 1. Every motor vehicle upon a highway within the state,

1 at any time from sunset to sunrise, and at such other times  
2 when conditions such as fog, snow, sleet, or rain provide  
3 insufficient lighting to render clearly discernible persons  
4 and vehicles on the highway at a distance of five hundred feet  
5 ahead, shall display lighted headlamps as provided in section  
6 321.415, subject to exceptions with respect to parked vehicles  
7 as provided in this chapter. However, an all-terrain vehicle  
8 shall display lighted headlamps as provided in section 321.415  
9 at all times while the vehicle is operated on a highway.

10 Sec. 5. Section 321.385, Code 2022, is amended to read as  
11 follows:

12 **321.385 Headlamps on motor vehicles.**

13 Every motor vehicle other than a motorcycle, ~~or~~ motorized  
14 bicycle, or all-terrain vehicle shall be equipped with at least  
15 two headlamps with at least one on each side of the front  
16 of the motor vehicle, which headlamps shall comply with the  
17 requirements and limitations set forth in this chapter.

18 Sec. 6. Section 321.386, Code 2022, is amended to read as  
19 follows:

20 **321.386 Headlamps on motorcycles, and motorized bicycles, and**  
21 **all-terrain vehicles.**

22 Every motorcycle, ~~and~~ motorized bicycle, and all-terrain  
23 vehicle shall be equipped with at least one and not more than  
24 two headlamps which shall comply with the requirements and  
25 limitations of this chapter.

26 Sec. 7. Section 321I.8, subsection 2, Code 2022, is amended  
27 to read as follows:

28 2. The department shall remit the fees, including user  
29 fees collected pursuant to section 321I.5, to the treasurer  
30 of state, who shall place the money in a special all-terrain  
31 vehicle fund. The money is appropriated to the department for  
32 the all-terrain vehicle programs of the state. The programs  
33 shall include grants, subgrants, contracts, or cost-sharing  
34 of all-terrain vehicle programs with political subdivisions  
35 or incorporated private organizations or both in accordance

1 with rules adopted by the commission. All-terrain vehicle fees  
2 may be used for the establishment, maintenance, and operation  
3 of all-terrain vehicle recreational riding areas through  
4 the awarding of grants administered by the department, but  
5 shall not be used for law enforcement purposes outside of a  
6 designated off-highway vehicle recreational riding area or for  
7 purchasing, installing, or maintaining signs along a highway  
8 outside of a designated off-highway vehicle recreational  
9 riding area. All-terrain vehicle recreational riding areas  
10 established, maintained, or operated by the use of such  
11 grants shall not be operated for profit. All programs using  
12 cost-sharing, grants, subgrants, or contracts shall establish  
13 and implement an education instruction program either singly  
14 or in cooperation with other all-terrain vehicle programs.  
15 All-terrain vehicle fees may be used to support all-terrain  
16 vehicle programs on a usage basis. At least fifty percent of  
17 the special fund shall be available for political subdivisions  
18 or incorporated private organizations or both. Moneys from  
19 the special fund not used by the political subdivisions or  
20 incorporated private organizations or both shall remain in the  
21 fund and may be used by the department for the administration  
22 of the all-terrain vehicle programs. Notwithstanding  
23 section 8.33, moneys in the special fund shall not revert to  
24 the general fund of the state at the end of a fiscal year.  
25 Notwithstanding section 12C.7, subsection 2, interest or  
26 earnings on moneys in the special fund shall remain in the  
27 fund.

28 Sec. 8. Section 321I.10, Code 2022, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 1A. A registered all-terrain vehicle  
31 or off-road utility vehicle may be operated on an undivided  
32 two-lane primary highway that is not part of the interstate  
33 road system over the most direct and accessible route between  
34 any of the following locations:

35 a. An all-terrain vehicle park or trail.

1     *b.* A secondary road on which such vehicles are authorized  
2 to operate under subsection 2.

3     *c.* A city street on which such vehicles are authorized to  
4 operate under subsection 3.

5     *d.* The vehicle operator's residence.

6     Sec. 9. Section 321I.10, subsections 2 and 3, Code 2022, are  
7 amended to read as follows:

8     2. *a.* A registered all-terrain vehicle or off-road  
9 utility vehicle may be operated on any of the roadways of that  
10 portion of county highways designated by the county board of  
11 supervisors for such use during a specified period following  
12 secondary roads:

13         (1) An unpaved secondary road.

14         (2) A paved, undivided two-lane secondary road over the  
15 most direct and accessible route between any of the following  
16 locations:

17             (a) An all-terrain vehicle park or trail.

18             (b) Another secondary road on which such vehicles are  
19 authorized to operate under this paragraph.

20             (c) A city street on which such vehicles are authorized to  
21 operate under subsection 3.

22             (d) The vehicle operator's residence.

23         (3) A paved, undivided secondary road or segment thereof,  
24 if authorized by the county board of supervisors. The county  
25 board of supervisors shall evaluate the traffic conditions on  
26 all county highways such secondary roads under its jurisdiction  
27 and designate roadways on which all-terrain vehicles or  
28 off-road utility vehicles may be operated for the specified  
29 period without unduly interfering with or constituting an undue  
30 hazard to conventional motor vehicle traffic. In designating  
31 such roadways, the board may authorize all-terrain vehicles  
32 and off-road utility vehicles to stop at service stations or  
33 convenience stores along a designated roadway.

34         *b.* Notwithstanding paragraph "a", a county may prohibit the  
35 operation of all-terrain vehicles and off-road utility vehicles

1 on a secondary road or segment thereof under its jurisdiction  
2 as follows:

3 (1) When the secondary road or segment thereof is closed to  
4 motor vehicle traffic pursuant to section 306.41.

5 (2) When the secondary road or segment thereof is designated  
6 as a detour route pursuant to section 306.41.

7 (3) For any other secondary road or segment thereof, for no  
8 more than seven consecutive days and no more than thirty days  
9 in a calendar year when the prohibited days are established by  
10 ordinance.

11 3. Cities A city may regulate the operation of registered  
12 all-terrain vehicles and off-road utility vehicles and may  
13 designate streets under the jurisdiction of cities the city  
14 within their respective its corporate limits, and two-lane  
15 primary and secondary road extensions in the city, which may  
16 be used for the operation of registered all-terrain vehicles  
17 or registered off-road utility such vehicles. In designating  
18 such streets, the city may authorize all-terrain vehicles  
19 and off-road utility vehicles to stop at service stations or  
20 convenience stores along a designated street. However, a city  
21 shall not charge a fee to operate a registered all-terrain  
22 vehicle or off-road utility vehicle within the city.

23 Sec. 10. Section 321I.10, subsection 5, unnumbered  
24 paragraph 1, Code 2022, is amended to read as follows:

25 An all-terrain vehicle or off-road utility vehicle may  
26 make a direct crossing of a highway that is not part of the  
27 interstate road system provided all of the following occur:

28 Sec. 11. Section 321I.10, subsection 5, paragraph e, Code  
29 2022, is amended to read as follows:

30 e. The crossing is made from a street, roadway, or highway  
31 designated as an all-terrain vehicle trail by a state agency,  
32 county, or city on which the all-terrain vehicle or off-road  
33 utility vehicle is authorized to operate to a street, roadway,  
34 or highway designated as an all-terrain vehicle trail by  
35 a state agency, county, or city on which such vehicle is



S-5178 (Continued)

1 authorized to operate.>

By CARRIE KOELKER  
WAYLON BROWN

[S-5178](#) FILED MAY 24, 2022

ADOPTED

S-5182

1 Amend House File 2384, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 1, by striking lines 1 through 4 and inserting:

4 <DIVISION I

5 PHARMACY BENEFITS MANAGERS, PHARMACIES, AND PRESCRIPTION DRUG  
6 BENEFITS>

7 2. Page 1, after line 26 by inserting:

8 <\_\_\_\_. "*Facility*" means an institution providing health  
9 care services or a health care setting, including but not  
10 limited to hospitals and other licensed inpatient centers,  
11 ambulatory surgical or treatment centers, skilled nursing  
12 centers, residential treatment centers, diagnostic, laboratory  
13 and imaging centers, and rehabilitation and other therapeutic  
14 health settings.>

15 3. Page 1, by striking lines 27 through 30 and inserting:

16 <\_\_\_\_. "*Health benefit plan*" means a policy, contract,  
17 certificate, or agreement offered or issued by a third-party  
18 payor to provide, deliver, arrange for, pay for, or reimburse  
19 any of the costs of health care services.

20 \_\_\_\_\_. "*Health care professional*" means a physician or other  
21 health care practitioner licensed, accredited, registered, or  
22 certified to perform specified health care services consistent  
23 with state law.

24 \_\_\_\_\_. "*Health care provider*" means a health care professional  
25 or a facility.>

26 4. Page 2, by striking lines 1 through 9 and inserting  
27 <corporation, or a plan established pursuant to chapter 509A  
28 for public employees. "*Health carrier*" does not include any of  
29 the following:>

30 5. Page 2, before line 10 by inserting:

31 <a. The department of human services.

32 b. A managed care organization acting pursuant to a contract  
33 with the department of human services to administer the medical  
34 assistance program under chapter 249A or the healthy and well  
35 kids in Iowa (hawk-i) program under chapter 514I.

1     *c.* A policy or contract providing a prescription drug  
2 benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.

3     *d.* A plan offered or maintained by a multiple employer  
4 welfare arrangement established under chapter 513D before  
5 January 1, 2022.>

6     6. Page 3, by striking lines 4 and 5 and inserting:

7     <\_\_\_\_. "*Pharmacy benefits manager*" means a person who,  
8 pursuant to a contract or other relationship with a third-party  
9 payor, either directly or through an intermediary, manages a  
10 prescription drug benefit provided by the third-party payor.>

11     7. Page 3, by striking lines 18 and 19 and inserting:

12     <\_\_\_\_. "*Prescription drug benefit*" means a health benefit  
13 plan providing for third-party payment or prepayment for  
14 prescription drugs.>

15     8. Page 3, by striking line 22 and inserting:

16     <\_\_\_\_. "*Rebate*" means all discounts and other negotiated  
17 price concessions paid directly or indirectly by a  
18 pharmaceutical manufacturer or other entity, other than a  
19 covered person, in the prescription drug supply chain to a  
20 pharmacy benefits manager, and which may be based on any of the  
21 following:

22     *a.* A pharmaceutical manufacturer's list price for a  
23 prescription drug.

24     *b.* Utilization.

25     *c.* To maintain a net price for a prescription drug for a  
26 specified period of time for the pharmacy benefits manager  
27 in the event the pharmaceutical manufacturer's list price  
28 increases.

29     *d.* Reasonable estimates of the volume of a prescribed drug  
30 that will be dispensed by a pharmacy to covered persons.

31     \_\_\_\_. "*Third-party payor*" means any entity other than a  
32 covered person or a health care provider that is responsible  
33 for any amount of reimbursement for a prescription drug  
34 benefit. "*Third-party payor*" includes health carriers and other  
35 entities that provide a plan of health insurance or health

1 care benefits. "*Third-party payor*" does not include any of the  
2 following:

3     *a.* The department of human services.

4     *b.* A managed care organization acting pursuant to a contract  
5 with the department of human services to administer the medical  
6 assistance program under chapter 249A or the healthy and well  
7 kids in Iowa (hawk-i) program under chapter 514I.

8     *c.* A policy or contract providing a prescription drug  
9 benefit pursuant to 42 U.S.C. ch. 7, subch. XVIII, part D.>

10     9. Page 3, line 33, by striking <health carrier> and  
11 inserting <third-party payor>

12     10. Page 4, line 4, by striking <health carrier> and  
13 inserting <third-party payor>

14     11. Page 4, line 6, by striking <health carrier> and  
15 inserting <third-party payor>

16     12. Page 4, by striking lines 8 through 13.

17     13. Page 5, by striking lines 14 through 17.

18     14. By striking page 6, line 1, through page 7, line 18.

19     15. By striking page 9, line 2, through page 10, line 23.

20     16. Page 12, line 16, before <Act> by inserting <division  
21 of this>

22     17. Page 12, line 17, by striking <health carrier's>

23     18. Page 12, by striking lines 20 through 24 and inserting:

24                                     <DIVISION \_\_\_\_

25                                     PHARMACY BENEFITS MANAGER REPORTING

26     Sec. \_\_\_\_\_. Section 510C.1, Code 2022, is amended to read as  
27 follows:

28     **510C.1 Definitions.**

29     As used in this chapter unless the context otherwise  
30 requires:

31     1. "*Administrative fees*" means a fee or payment, other than  
32 a rebate, under a contract between a pharmacy benefits manager  
33 and a pharmaceutical drug manufacturer in connection with the  
34 pharmacy benefits manager's management of a ~~health carrier's~~  
35 third-party payor's prescription drug benefit, that is paid

1 by a pharmaceutical drug manufacturer to a pharmacy benefits  
2 manager or is retained by the pharmacy benefits manager.

3 2. "*Aggregate retained rebate percentage*" means the  
4 percentage of all rebates received by a pharmacy benefits  
5 manager that is not passed on to the pharmacy benefits  
6 manager's health carrier third-party payor clients.

7 3. "*Commissioner*" means the commissioner of insurance.

8 4. "*Covered person*" means the same as defined in section  
9 ~~514J.102~~ 510B.1.

10 5. "*Formulary*" means a complete list of prescription drugs  
11 eligible for coverage under a health benefit plan.

12 6. "*Health benefit plan*" means the same as defined in  
13 section ~~514J.102~~ 510B.1.

14 7. "*Health carrier*" means the same as defined in section  
15 ~~514J.102~~ 510B.1.

16 ~~8. "*Health carrier administrative service fee*" means a fee or~~  
17 ~~payment under a contract between a pharmacy benefits manager~~  
18 ~~and a health carrier in connection with the pharmacy benefits~~  
19 ~~manager's administration of the health carrier's prescription~~  
20 ~~drug benefit that is paid by a health carrier to a pharmacy~~  
21 ~~benefits manager or is otherwise retained by a pharmacy~~  
22 ~~benefits manager.~~

23 ~~9. 8. "*Pharmacy benefits manager*" means a person who,~~  
24 ~~pursuant to a contract or other relationship with a health~~  
25 ~~carrier, either directly or through an intermediary, manages a~~  
26 ~~prescription drug benefit provided by the health carrier the~~  
27 ~~same as defined in section 510B.1.~~

28 ~~10. 9. "*Prescription drug benefit*" means a health benefit~~  
29 ~~plan providing for third-party payment or prepayment for~~  
30 ~~prescription drugs the same as defined in section 510B.1.~~

31 ~~11. 10. "*Rebate*" means all discounts and other~~  
32 ~~negotiated price concessions paid directly or indirectly by~~  
33 ~~a pharmaceutical manufacturer or other entity, other than a~~  
34 ~~covered person, in the prescription drug supply chain to a~~  
35 ~~pharmacy benefits manager, and which may be based on any of the~~

1 ~~following:~~ the same as defined in section 510B.1.

2 ~~a. A pharmaceutical manufacturer's list price for a~~  
3 ~~prescription drug.~~

4 ~~b. Utilization.~~

5 ~~c. To maintain a net price for a prescription drug for a~~  
6 ~~specified period of time for the pharmacy benefits manager~~  
7 ~~in the event the pharmaceutical manufacturer's list price~~  
8 ~~increases.~~

9 ~~d. Reasonable estimates of the volume of a prescribed drug~~  
10 ~~that will be dispensed by a pharmacy to covered persons.~~

11 11. "Third-party payor" means the same as defined in section  
12 510B.1.

13 12. "Third-party payor administrative service fee" means a  
14 fee or payment under a contract between a pharmacy benefits  
15 manager and a third-party payor in connection with the pharmacy  
16 benefits manager's administration of the third-party payor's  
17 prescription drug benefit that is paid by a third-party payor  
18 to a pharmacy benefits manager or is otherwise retained by a  
19 pharmacy benefits manager.

20 Sec. \_\_\_\_\_. Section 510C.2, subsection 1, unnumbered  
21 paragraph 1, Code 2022, is amended to read as follows:

22 Each pharmacy benefits manager shall provide a report  
23 annually by February 15 to the commissioner that contains  
24 all of the following information regarding prescription drug  
25 benefits provided to covered persons of each ~~health carrier~~  
26 third-party payor with whom the pharmacy benefits manager has  
27 contracted during the prior calendar year:

28 Sec. \_\_\_\_\_. Section 510C.2, subsection 1, paragraphs c, d, e,  
29 and g, Code 2022, are amended to read as follows:

30 ~~c. The aggregate dollar amount of all health carrier~~  
31 third-party payor administrative service fees received by the  
32 pharmacy benefits manager.

33 ~~d. The aggregate dollar amount of all rebates received~~  
34 ~~by the pharmacy benefits manager that the pharmacy benefits~~  
35 ~~manager did not pass through to the health carrier~~ third-party

1 payor.

2 e. The aggregate amount of all administrative fees received  
3 by the pharmacy benefits manager that the pharmacy benefits  
4 manager did not pass through to the ~~health-carrier~~ third-party  
5 payor.

6 g. Across all ~~health-carrier~~ third-party payor clients with  
7 whom the pharmacy benefits manager was contracted, the highest  
8 and the lowest aggregate retained rebate percentages.

9 Sec. \_\_\_\_\_. Section 510C.2, subsection 2, paragraph a,  
10 subparagraph (1), Code 2022, is amended to read as follows:

11 (1) The identity of a specific ~~health-carrier~~ third-party  
12 payor.

13 Sec. \_\_\_\_\_. Section 510C.2, subsection 2, paragraph b, Code  
14 2022, is amended to read as follows:

15 b. Information provided under this section by a pharmacy  
16 benefits manager to the commissioner that may reveal the  
17 identity of a specific ~~health-carrier~~ third-party payor, the  
18 price charged by a specific pharmaceutical manufacturer for  
19 a specific prescription drug or class of prescription drugs,  
20 or the amount of rebates provided for a specific prescription  
21 drug or class of prescription drugs shall be considered a  
22 confidential record and be recognized and protected as a trade  
23 secret pursuant to section 22.7, subsection 3.

24 DIVISION \_\_\_\_

25 EMERGENCY RULEMAKING

26 Sec. \_\_\_\_\_. EMERGENCY RULES. The insurance division of the  
27 department of commerce may adopt emergency rules under section  
28 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph  
29 "b", to implement the provisions of this Act and the rules  
30 shall be effective immediately upon filing unless a later date  
31 is specified in the rules. Any rules adopted in accordance  
32 with this section shall also be published as a notice of  
33 intended action as provided in section 17A.4.

34 DIVISION \_\_\_\_

35 EFFECTIVE DATE

S-5182 (Continued)

1     Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, being deemed of  
2 immediate importance, takes effect upon enactment.>

3     19. Title page, line 2, after <including> by inserting  
4 <effective date and>

5     20. By renumbering, redesignating, and correcting internal  
6 references as necessary.

By MIKE KLIMESH

[S-5182](#) FILED MAY 24, 2022

ADOPTED



HOUSE FILE 2431

S-5174

1 Amend House File 2431, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <DIVISION I

5 RAW MILK

6 Section 1. NEW SECTION. 137D.2A Raw milk, raw milk  
7 products, and raw milk dairy products.

8 A home food processing establishment shall not advertise  
9 for sale, offer for sale, sell or otherwise distribute, or use  
10 raw milk, a raw milk product, or a raw milk dairy product as  
11 provided in section 192.145.

12 Sec. \_\_\_\_\_. Section 137F.1, subsection 8, Code 2022, is  
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. o. (1) The premises of a raw milk dairy  
15 where raw milk is produced, processed, labeled, marketed, or  
16 distributed by a raw milk producer in compliance with section  
17 192.145.

18 (2) The premises of a raw milk dairy where a raw milk  
19 product or a raw milk dairy product is manufactured, labeled,  
20 marketed, or distributed by a raw milk producer in compliance  
21 with section 192.145.

22 Sec. \_\_\_\_\_. Section 137F.1, subsection 9, Code 2022, is  
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. d. (1) The premises of a raw milk dairy  
25 where raw milk is produced, processed, labeled, marketed, or  
26 distributed by a raw milk producer in compliance with section  
27 192.145.

28 (2) A premises of a raw milk dairy where a raw milk product  
29 or raw milk dairy product is manufactured, labeled, marketed,  
30 or distributed by a raw milk producer in compliance with  
31 section 192.145.

32 Sec. \_\_\_\_\_. NEW SECTION. 137F.8B Raw milk, raw milk products,  
33 and raw milk dairy products.

34 A food establishment or farmers market shall not advertise  
35 for sale, offer for sale, sell or otherwise distribute, or use

1 raw milk, a raw milk product, or a raw milk dairy product,  
2 regardless of whether the food establishment or farmers market  
3 is regulated by the department under this chapter or another  
4 chapter, another state agency, or a municipality.

5 Sec. \_\_\_\_\_. Section 159.6, subsection 6, Code 2022, is amended  
6 to read as follows:

7 6. Regulation and inspection of foods, drugs, and other  
8 articles, as provided in Title V, subtitle 4, ~~but.~~ However,  
9 chapter 205 ~~of that subtitle~~ shall be enforced as provided in  
10 that chapter. Except as expressly authorized in subtitle 4,  
11 the department shall not regulate any of the following:

12 a. The production, processing, labeling, marketing, or  
13 distribution of raw milk by a raw milk producer in compliance  
14 with section 192.145.

15 b. The manufacture, labeling, marketing, or distribution  
16 of a raw milk product or raw milk dairy product by a raw milk  
17 producer in compliance with section 192.145.

18 Sec. \_\_\_\_\_. Section 191.2, subsection 5, Code 2022, is amended  
19 to read as follows:

20 5. ~~All bottles, containers, and packages~~ Bottles,  
21 containers, and packages. Except as provided in subsection  
22 5A, a container or package enclosing milk or ~~a milk products~~  
23 product shall be conspicuously labeled or marked with all of  
24 the following:

25 a. The name of the contents as given in the definitions of  
26 this chapter and chapters 190 and 192.

27 b. The word "reconstituted" or "recombined" if the product  
28 is made by reconstitution or recombination.

29 c. The grade of the contents.

30 d. The word "pasteurized" if the contents are pasteurized  
31 and the identity of. The package or container shall identify  
32 the plant where the milk or milk product is pasteurized.

33 ~~e. The word "raw" if the contents are raw and the name or~~  
34 ~~other identity of the producer.~~

35 ~~f.~~ e. The designation vitamin "D" and the number of

1 U.S.P. units per quart in the case of vitamin "D" milk or milk  
2 products.

3 ~~g.~~ f. The volume or proportion of water to be added for  
4 recombining in the case of concentrated milk or milk products.

5 ~~h.~~ g. The words "nonfat milk solids added" and the  
6 percentage added if such solids have been added, except that  
7 this requirement shall not apply to reconstituted or recombined  
8 milk and milk products.

9 ~~i.~~ h. The words "artificially sweetened" in the name if  
10 nonnutritive or artificial sweeteners or both are used.

11 ~~j.~~ i. The common name of stabilizers, distillates, and  
12 ingredients, provided that:

13 (1) Only the identity of the milk producer shall be required  
14 on cans delivered to a milk plant as provided in chapter 192  
15 ~~which~~ that receives only grade "A" raw milk for pasteurization,  
16 and ~~which~~ that immediately dumps, washes, and returns the cans  
17 to the milk producer.

18 (2) The identity of both milk producer and the grade shall  
19 be required on cans delivered to a milk plant as provided in  
20 chapter 192 ~~which~~ that receives both grade "A" raw milk for  
21 pasteurization and ungraded raw milk and ~~which~~ that immediately  
22 dumps, washes, and returns the cans to the milk producer.

23 (3) In the case of concentrated milk products, the specific  
24 name of the product shall be substituted for the generic term  
25 "concentrated milk products", e.g., "homogenized concentrated  
26 milk", "concentrated skim milk", "concentrated chocolate milk",  
27 "concentrated chocolate flavored low fat milk".

28 (4) In the case of flavored milk or flavored reconstituted  
29 milk, the name of the principal flavor shall be substituted for  
30 the word "flavored".

31 (5) In the case of cultured milk and milk products,  
32 the special type culture used may be substituted for the  
33 word "cultured", e.g., "acidophilus buttermilk", "Bulgarian  
34 buttermilk", and "yogurt".

35 Sec. \_\_\_\_\_. Section 191.2, Code 2022, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 5A. *Raw milk, raw milk products, and raw*  
3 *milk dairy products.* A container holding raw milk, a raw  
4 milk product, or a raw milk dairy product sold by a raw milk  
5 producer shall be labeled as required in section 191.9A.

6 Sec. \_\_\_\_\_. NEW SECTION. 191.9A **Raw milk dairies — sale of**  
7 **raw milk, raw milk products, and raw milk dairy products.**

8 1. A raw milk producer who sells raw milk, a raw milk  
9 product, or a raw milk dairy product to an individual in  
10 compliance with section 192.145 shall label the container  
11 holding the raw milk, raw milk product, or raw milk dairy  
12 product. The label shall be permanently affixed to the  
13 container. The words on the label shall be printed using upper  
14 case letters in at least twelve point boldface type. If the  
15 container includes a main informational or advertising panel,  
16 the label shall be part of the panel.

17 2. a. For a container holding raw milk, the label shall  
18 state the following:

19 Notice to Consumers

20 This container holds raw milk not subject to state inspection  
21 or other public health regulations that require pasteurization  
22 and grading.

23 b. For a container holding a raw milk product or raw milk  
24 dairy product, the label shall state the following:

25 Notice to Consumers

26 This container holds a raw milk product or raw milk dairy  
27 product that is not subject to state inspection or other public  
28 health regulations that require pasteurization and grading.

29 Sec. \_\_\_\_\_. Section 192.103, subsections 1 and 2, Code 2022,  
30 are amended to read as follows:

31 1. Only grade "A" pasteurized milk and milk products  
32 shall be sold to the final consumer, or to restaurants, soda  
33 fountains, grocery stores, or similar establishments. ~~However,~~  
34 ~~in an~~ except as follows:

35 a. In an emergency, the sale of pasteurized milk and milk

1 products ~~which~~ that have not been graded, or the grade of which  
2 is unknown, may be authorized by the secretary, in which case,  
3 such products shall be labeled "ungraded".

4 b. A raw milk producer may sell raw milk, a raw milk  
5 product, or a raw milk dairy product to an individual in  
6 compliance with section 192.145.

7 2. ~~No~~ A person shall not within the state produce, provide,  
8 sell, offer, or expose for sale, or have in possession  
9 with intent to sell, any milk or milk product ~~which~~ that is  
10 adulterated or misbranded. However, in an emergency, the sale  
11 of pasteurized milk and milk products ~~which~~ that have not been  
12 graded, or the grade of which is unknown, may be authorized by  
13 the secretary, in which case such products shall be labeled  
14 "ungraded".

15 Sec. \_\_\_\_\_. NEW SECTION. 192.144 Definitions.

16 As used in this subchapter, unless the context otherwise  
17 requires:

18 1. "*Dairy animal*" means a cow, goat, or sheep that is  
19 actively producing milk.

20 2. "*Dairy product*" means a product, other than a milk  
21 product, in which milk is the principal ingredient at any  
22 temperature and in either a manufactured or unmanufactured  
23 state. To the extent that it is not classified as a milk  
24 product, a dairy product includes but is not limited to butter,  
25 cheese, cream, cottage cheese, ricotta cheese, kefir, or ice  
26 cream.

27 3. "*Manufacture*" means to convert or condition personal  
28 property by changing the form, composition, quality, or  
29 character of a product, and includes activities associated with  
30 a creamery or cheese factory.

31 4. "*Raw milk*" means milk that is not pasteurized or graded.

32 5. "*Raw milk dairy*" means an operation where not more than  
33 a total of ten dairy animals are maintained, and milk produced  
34 from any of those animals is not pasteurized or graded.

35 6. "*Raw milk dairy product*" means a dairy product that

1 includes raw milk or a raw milk product.

2 7. "*Raw milk producer*" means a person who owns or operates  
3 a raw milk dairy.

4 8. "*Raw milk product*" means a milk product that includes raw  
5 milk.

6 Sec. \_\_\_\_\_. NEW SECTION. 192.145 **Raw milk dairies —**  
7 **production, processing, marketing, and distribution.**

8 1. A raw milk producer may elect to process, market,  
9 or distribute raw milk produced at the raw milk producer's  
10 raw milk dairy in compliance with this section. A raw milk  
11 producer may also elect to use the raw milk to manufacture,  
12 market, or distribute a raw milk product or raw milk dairy  
13 product at the raw milk producer's raw milk dairy in compliance  
14 with this section. If a raw milk producer makes either  
15 election, all of the following apply:

16 a. The raw milk producer shall not pasteurize or grade milk  
17 produced from dairy animals maintained at the raw milk dairy.

18 b. The raw milk producer shall ensure the health and safety  
19 of consumers of the raw milk produced from dairy animals  
20 maintained at the raw milk dairy by doing all of the following:

21 (1) Each month, test each dairy animal to determine a  
22 coliform count and standard plate count. The raw milk producer  
23 shall maintain a record of each test. The raw milk producer  
24 shall retain the record at the raw milk dairy for at least  
25 three years.

26 (2) Each twelve-month period, employ a licensed  
27 veterinarian to examine each dairy animal to determine the  
28 dairy animal's health status. The examination must at least  
29 include a blood test for common diseases afflicting the type  
30 of dairy animal being examined.

31 2. A raw milk producer shall only take an order for the  
32 distribution of raw milk at the raw milk producer's raw milk  
33 dairy where the raw milk was produced. The raw milk producer  
34 shall only distribute the raw milk to an individual placing the  
35 order. The raw milk producer may distribute the raw milk to

1 the individual without charge or on a retail basis.

2     *a.* The raw milk producer shall post the summary of the test  
3 to determine the coliform count and standard plate count of  
4 the dairy animals maintained at the raw milk dairy as provided  
5 in subsection 1. The summary shall be posted at the raw milk  
6 dairy's distribution point for the raw milk. The individual  
7 being distributed the raw milk may examine the records for the  
8 three-year period that the records are required to be retained  
9 by the raw milk producer under subsection 1.

10     *b.* If the raw milk producer sells raw milk in a container,  
11 the container shall be labeled as provided in section 191.9A.

12     *c.* The raw milk producer shall distribute the raw milk  
13 directly to the individual at the raw milk dairy or to a  
14 location specified by the individual. However, a person shall  
15 not deliver the raw milk to a place of business where food  
16 items are distributed on a retail basis, including but not  
17 limited to a home food processing establishment regulated  
18 under chapter 137D or a food establishment or farmers market  
19 regulated under chapter 137F. The raw milk shall only be used  
20 for consumption by the individual, members of the individual's  
21 household, and the individual's nonpaying guests or nonpaying  
22 employees.

23     *d.* A person shall not resell raw milk.

24     3. A raw milk producer shall only take an order for the  
25 distribution of a raw milk product or raw milk dairy product  
26 at the raw milk producer's raw milk dairy where the raw milk  
27 product or raw milk dairy product is manufactured. The raw  
28 milk producer shall only distribute the raw milk product or raw  
29 milk dairy product to an individual placing the order. The raw  
30 milk producer may distribute the raw milk product or raw milk  
31 dairy product to the individual without charge or on a retail  
32 basis.

33     *a.* The raw milk producer shall post the summary of the most  
34 recent test to determine the coliform count and standard plate  
35 count of dairy animals maintained at the raw milk dairy as

1 provided in subsection 1. The summary shall be posted at the  
2 raw milk dairy's distribution point for the raw milk products  
3 or raw milk dairy products. The individual being distributed  
4 the raw milk product or raw milk dairy product may examine the  
5 records for the three-year period that the records are required  
6 to be retained by the raw milk producer under subsection 1.

7     *b.* If the raw milk producer sells a raw milk product or  
8 raw milk dairy product in a container, the container shall be  
9 labeled as provided in section 191.9A.

10     *c.* The raw milk producer shall distribute the raw milk  
11 product or raw milk dairy product directly to the individual  
12 at the raw milk dairy or to a location specified by the  
13 individual. However, a person shall not deliver the raw milk  
14 product or raw milk dairy product to a place of business where  
15 food items are distributed on a retail basis, including but  
16 not limited to a home food processing establishment regulated  
17 under chapter 137D or a food establishment or farmers market  
18 regulated under chapter 137F. The raw milk product or raw  
19 milk dairy product shall only be used for consumption by the  
20 individual, members of the individual's household, or the  
21 individual's nonpaying guests or nonpaying employees.

22     *d.* A person shall not resell the raw milk product or raw  
23 milk dairy product.

24     4. Based on an affidavit signed by a licensed physician  
25 certifying that in the physician's opinion an individual  
26 contracted an illness as a direct result of consuming raw milk  
27 produced at a raw milk dairy, or consuming a raw milk product  
28 or a raw milk dairy product manufactured at a raw milk dairy,  
29 the Iowa department of public health acting under chapter 135  
30 or a local board of health acting under chapter 137 may demand  
31 that the raw milk producer provide it with all records of tests  
32 to determine the coliform count and standard plate count of  
33 dairy animals maintained at the raw milk dairy as required in  
34 subsection 1.

35     5. The department shall not adopt rules to administer or



1 enforce this section.

2 6. This chapter does not apply to a receiving station,  
3 transfer station, milk handler, milk grader, or milk plant. A  
4 raw milk dairy is not a food establishment, food processing  
5 plant, or other person regulated under chapter 137F or other  
6 chapter regulating such entities.

7 Sec. \_\_\_\_\_. NEW SECTION. 194.22 Raw milk dairies —  
8 production, processing, manufacturing, marketing, and  
9 distribution — exceptions.

10 This chapter does not apply to any of the following:

11 1. The production, processing, marketing, and distribution  
12 of raw milk, if the raw milk is produced by a raw milk producer  
13 at a raw milk dairy in compliance with section 192.145.

14 2. The manufacture, marketing, and distribution of a  
15 raw milk product or raw milk dairy product, if the raw milk  
16 product or raw milk dairy product is manufactured by a raw  
17 milk producer at a raw milk dairy in compliance with section  
18 192.145.

19 DIVISION \_\_\_\_\_

20 HOME FOOD PROCESSING ESTABLISHMENTS AND OTHER HOME-BASED  
21 BUSINESSES>

22 2. Title page, line 1, after <of> by inserting <raw milk  
23 dairies and>

24 3. Title page, line 3, by striking <civil>

25 4. By renumbering as necessary.

By TONY BISIGNANO

S-5174 FILED MAY 24, 2022

WITHDRAWN

HOUSE FILE 2468

S-5173

1 Amend House File 2468, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 1, after line 8 by inserting:

4 <Sec. \_\_\_\_\_. Section 602.1205, Code 2022, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 3. a. The district court shall try civil  
7 cases in the order in which cases are initiated by the filing  
8 of a petition, provided that the following cases shall be  
9 entitled to a preference:

10 (1) Actions that have been revived pursuant to section  
11 614.1, subsection 12, paragraph "b", or section 614.8A,  
12 subsection 2.

13 (2) An action in which the interests of justice, as  
14 determined by the supreme court, will be served by early trial.

15 b. The court shall adopt rules to implement this subsection.

16 c. Unless the court otherwise orders, notice of a motion  
17 for preference shall be served with the petition by the party  
18 serving the petition, or ten days after such service by any  
19 other party.

20 Sec. \_\_\_\_\_. Section 614.1, subsection 12, Code 2022, is  
21 amended to read as follows:

22 12. *Sexual abuse or sexual exploitation by a counselor,*  
23 *therapist, school employee, or adult providing training or*  
24 *instruction.*

25 a. (1) An If the victim was eighteen years of age or  
26 older, an action for damages for injury suffered as a result  
27 of sexual abuse, as defined in section 709.1, by a counselor,  
28 therapist, school employee, or adult providing training or  
29 instruction, as defined in section 709.15, or as a result of  
30 sexual exploitation by a counselor, therapist, school employee,  
31 or adult providing training or instruction shall be brought  
32 within five years of the date the victim was last treated by  
33 the counselor or therapist, or within five years of the date  
34 the victim was last enrolled in or attended the school.

35 (2) If the victim was a minor, an action for damages for

1 injury suffered as a result of sexual abuse, as defined in  
2 section 709.1, by a counselor, therapist, school employee, or  
3 adult providing training or instruction, as defined in section  
4 709.15, or as a result of sexual exploitation by a counselor,  
5 therapist, school employee, or adult providing training or  
6 instruction shall be brought at any time.

7 b. (1) Notwithstanding paragraph "a", subparagraph (2),  
8 every claim or cause of action brought against any party  
9 alleging intentional or negligent acts or omissions by a person  
10 for physical, psychological, or other injury or condition  
11 suffered as a result of conduct which would constitute sexual  
12 abuse as defined in section 709.1, by a counselor, therapist,  
13 school employee, or adult providing training or instruction,  
14 as defined in section 709.15, or as a result of sexual  
15 exploitation by a counselor, therapist, school employee, or  
16 adult providing training or instruction, which is barred as of  
17 the effective date of this Act because the applicable period  
18 of limitation has expired or the plaintiff previously failed  
19 to file a petition, is revived, and action thereon may be  
20 commenced not later than three years after the effective date  
21 of the Act.

22 (2) Dismissal of a previous action, ordered before the  
23 effective date of this Act, on grounds that such previous  
24 action was time-barred, or for failure of a party to file a  
25 petition, shall not be grounds for dismissal of a revival  
26 action pursuant to this paragraph.

27 Sec. \_\_\_\_. Section 614.8, Code 2022, is amended to read as  
28 follows:

29 **614.8 Minors and persons with mental illness.**

30 1. The Except as provided in section 614.1, subsection  
31 12, or section 614.8A, the times limited for actions in this  
32 chapter, or for complaints or claims in chapter 216, 669, or  
33 670, except those brought for penalties and forfeitures, are  
34 extended in favor of persons with mental illness, so that they  
35 shall have one year from and after the termination of the

1 disability within which to file a complaint pursuant to chapter  
2 216, to make a claim pursuant to chapter 669 or 670, or to  
3 otherwise commence an action.

4 2. Except as provided in section 614.1, subsection 9 or  
5 12, or section 614.8A, the times limited for actions in this  
6 chapter, or for complaints or claims in chapter 216, 659A, 669,  
7 or 670, except those brought for penalties and forfeitures, are  
8 extended in favor of minors, so that they shall have one year  
9 from and after attainment of majority within which to file a  
10 complaint pursuant to chapter 216, to make a claim pursuant to  
11 chapter 669, or to otherwise commence an action.

12 Sec. \_\_\_\_\_. Section 614.8A, Code 2022, is amended to read as  
13 follows:

14 **614.8A Damages Commencement of action for minor or child**  
15 **sexual abuse and other sexual offenses — no time limitation.**

16 ~~An action for damages for injury suffered as a result of~~  
17 ~~sexual abuse which occurred when the injured person was a~~  
18 ~~child, but not discovered until after the injured person is of~~  
19 ~~the age of majority, shall be brought within four years from~~  
20 ~~the time of discovery by the injured party of both the injury~~  
21 ~~and the causal relationship between the injury and the sexual~~  
22 ~~abuse.~~

23 1. Notwithstanding the times limited for actions in this  
24 chapter, an action relating to injuries suffered as a result of  
25 sexual abuse as defined in section 802.2, and injuries suffered  
26 as a result of other sexual offenses including lascivious acts  
27 with a child in violation of section 709.8, assault with intent  
28 to commit sexual abuse in violation of section 709.11, indecent  
29 contact with a child in violation of section 709.12, lascivious  
30 conduct with a minor in violation of section 709.14, sexual  
31 misconduct with a juvenile in violation of section 709.16,  
32 subsection 2, child endangerment in violation of section 726.6,  
33 or sexual exploitation of a minor in violation of section  
34 728.12, which occurred when the injured party was a minor may  
35 be brought at any time.

1     2. a. Notwithstanding subsection 1, every claim or cause  
2 of action brought against any party alleging intentional  
3 or negligent acts or omissions by a person for physical,  
4 psychological, or other injury or condition suffered as a  
5 result of conduct which would constitute sexual abuse as  
6 defined in section 709.1, by a counselor, therapist, or school  
7 employee as defined in section 709.15, subsection 1, or as a  
8 result of sexual exploitation by a counselor, therapist, or  
9 school, which is barred as of the effective date of this Act  
10 because the applicable period of limitation has expired or  
11 the plaintiff previously failed to file a petition, is hereby  
12 revived, and action thereon may be commenced not later than  
13 three years after the effective date of this Act.

14     b. Dismissal of a previous action, ordered before the  
15 effective date of this Act, on grounds that such previous  
16 action was time-barred, or of failure of a party to file a  
17 petition, shall not be grounds for dismissal of a revival  
18 action pursuant to this section.>

19     2. Page 1, line 9, by striking <This Act> and inserting <The  
20 section of this Act enacting section 679A.20>

21     3. Title page, line 2, by striking <proceedings and  
22 including> and inserting <proceedings, modifying the periods  
23 of time to bring certain civil actions, including by victims  
24 of sexual abuse, minors, and persons with mental illness,  
25 entitling certain cases to a preference in trial order, and  
26 including effective date provisions and>

27     4. By renumbering as necessary.

By JACKIE SMITH

[S-5173](#) FILED MAY 24, 2022

NOT GERMANE

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 2558

S-5177

1 Amend the Senate amendment, H-8387, to House File 2558, as  
2 amended, passed, and reprinted by the House, as follows:

3 1. Page 5, by striking lines 16 through 22 and inserting:

4 <Sec. \_\_\_\_\_. Section 46.3, subsection 3, Code 2022, is amended  
5 to read as follows:

6 3. No more than ~~a simple majority~~ half of the commissioners  
7 appointed shall be of the same gender.>

8 2. By striking page 5, line 23, through page 6, line 5, and  
9 inserting:

10 <Sec. \_\_\_\_\_. Section 46.6, subsection 2, Code 2022, is amended  
11 to read as follows:

12 2. The judge of longest service in the district shall  
13 ~~serve as the chair of a particular on the~~ district judicial  
14 nominating commission. If the judges of longest service in  
15 the district are of equal service, the eldest of such judges  
16 ~~shall be chairperson of the particular~~ serve on the judicial  
17 nominating commission. The commissioners of the district  
18 judicial nominating commission shall elect a chairperson from  
19 their own number. The chairperson shall serve a two-year  
20 term that expires on April 30 of even-numbered years. A  
21 commissioner may be reelected for a second or third term  
22 as chairperson. If a chairperson of a judicial nominating  
23 commission desires to be relieved of the duties of chairperson  
24 while retaining the status of commissioner, the chairperson  
25 shall notify the governor and the other commissioners of  
26 the commission. At the next meeting of the commission, the  
27 commissioners shall elect a new chairperson for the remainder  
28 of the two-year term.>

29 3. By renumbering as necessary.

S-5177 FILED MAY 24, 2022

CONCURRED

HOUSE FILE 2573

S-5175

1 Amend the amendment, S-5129, to House File 2573, as passed by  
2 the House, as follows:

3 1. Page 1, by striking lines 2 through 32 and inserting:

4 <\_\_\_\_. Page 1, after line 28 by inserting:

5 <Sec. \_\_\_\_\_. Section 135.190, subsection 1, paragraph d, Code  
6 2022, is amended to read as follows:

7 *d. "Person in a position to assist" means a family member,*  
8 *friend, caregiver, health care provider, employee of a*  
9 *substance abuse treatment facility, school employee, or other*  
10 *person who may be in a place to render aid to a person at risk*  
11 *of experiencing an opioid-related overdose.*

12 Sec. \_\_\_\_\_. Section 135.190, Code 2022, is amended by adding  
13 the following new subsection:

14 NEW SUBSECTION. 4A. A school district may obtain a valid  
15 prescription for an opioid antagonist and maintain a supply of  
16 opioid antagonists in a secure location at each location where  
17 a student may be present for use as provided in this section.>

18 \_\_\_\_\_. Page 3, after line 4 by inserting:

19 <Sec. \_\_\_\_\_. APPROPRIATION — OPIOID SETTLEMENT FUND. There  
20 is appropriated from the opioid settlement fund created in  
21 section 12.51 to the department of justice for the fiscal year  
22 beginning July 1, 2022, and ending June 30, 2023, the following  
23 amount, or so much thereof as is necessary, to be used for  
24 a medication addiction treatment program administered by the  
25 university of Iowa hospitals and clinics:

26 ..... \$ 3,800,000

27 Notwithstanding section 8.33, moneys appropriated in this  
28 section that remain unencumbered or unobligated at the close of  
29 the fiscal year shall not revert but shall remain available for  
30 expenditure for the purposes designated until the close of the  
31 succeeding fiscal year.>

32 \_\_\_\_\_. Title page, by striking line 2 and inserting <to opioid  
33 use, allowing school districts to obtain opioid antagonist  
34 prescriptions, and making an appropriation.>>

35 2. By renumbering as necessary.

S-5175 (Continued)

By JULIAN GARRETT

S-5175 FILED MAY 24, 2022  
ADOPTED